

Pages: 1-194

JOINT MEETING OF THE
ATLANTIC HIGHLY MIGRATORY SPECIES
AND BILL FISH ADVISORY PANELS

JOINT MEETING

April 1-3, 2002

at

Holiday Inn
Silver Springs, Maryland

(Afternoon session)

TUESDAY, APRIL 2, 2002

INDEX

TOPIC	PAGE
GREETINGS AND INTRODUCTIONS	
Christopher Rogers (Moderator)	3
ICCAT UPDATE	
John Graves	3
HMS OBSERVER ISSUES - Continued	
Christopher Rogers	66
SHARK ISSUES - Continued	
Peter Weiss	75
BLUEFIN TUNA ISSUES	
Christopher Rogers	97

ICCAT UPDATE

MODERATOR CHRISTOPHER ROGERS: All
right. ICCAT.

ICCAT UPDATE

JOHN GRAVES: I think the
relationship between the U.S. ICCAT Advisory
Committee and the HMS and the Billfish Advisory
Panels is real important, because I appreciate the
fact that we have these advisory panels, because
it's made my job one hell of a lot easier at the
ICCAT Advisory Committee because problems with
domestic allocation, although they occasionally
flare up, are certainly to be taken care of here.

On the other hand, while these panels
take care of allocation issues and implementation of
ICCAT issues, the bottom line is the U.S. is dealing
with a very small percentage of any of these HMS
fisheries within the Atlantic Ocean.

And so if we're going to really have
an impact on the species, it isn't going to be
through the regulations that we do here. It's going
to be our ability to get the other nations, which
make up greater than 95 percent of all of the catch

1 of these species to go along with conservation
2 measures that will actually lead to a sustainable
3 fishery for these various species. So, our 2001
4 ICCAT meeting was a tough sell.

5 What we do is we go through a series
6 of regional meetings in the fall, where we get
7 public input. We also try and explain the ICCAT
8 process to various constituencies. We then have a
9 fall meeting, where the committee considers various
10 issues and options, and we try and prioritize the
11 major issues that the United States wants to achieve
12 at ICCAT.

13 We can go in with 20 or 30
14 recommendations, you know, for the various species,
15 the panels that we have there, the reality of the
16 situation is we'll be lucky to accomplish two or
17 three. And so what we try and do is to put those
18 together and prioritize them. We can also then work
19 with other countries that viewpoints similar to ours
20 so that they may take a lead on an issue and we
21 support them. So -- and this is just a broad list
22 of some of our objectives that we went into in 2001.

23 First of all, ICCAT has been
24 wrestling with allocation criteria. How do you

1 distribute quota among those major players that have
2 had a history in a fishery, as well as countries
3 which are new to a fishery, developing coastal
4 states. And these different points of view have
5 almost brought ICCAT to its knees, and so there have
6 been a series of four allocation criteria workshops
7 to try and -- originally they had hoped they were
8 going to I guess some machine driven formula that
9 was going to generate everybody's allocation and
10 then it was well, maybe we'll just get a prioritized
11 list of those points that are important.

12 And in the end what they came out
13 with was a laundry list of things that should be
14 considered. But it was very important to the United
15 States that this process be finalized prior to the
16 meeting.

17 Then the other major items on the
18 list was to -- for eastern bluefin, the total
19 allowable catch to renegotiate the sharing
20 arrangement and total allowable catch for South
21 Atlantic swordfish, for bigeye tuna.

22 Also the Standing Committee on
23 Research and Statistics, the fisheries science part
24 of ICCAT, had recommended deferring the assessments

1 of blue marlin and white marlin, which were
2 scheduled to occur in 2002. They suggested
3 postponing them to 2003.

4 With the ESA listing of white marlin,
5 we felt that that probably wouldn't be a good idea
6 to postpone, so we wanted to make sure that at least
7 white marlin were done this year.

8 And also a major item that has been
9 on our list for several years, and one that Glenn
10 has been working very hard to get through ICCAT, is
11 multilateral sanction or authority for unilateral
12 trade actions.

13 The fact of the matter is, is we
14 import more swordfish from some nations than their
15 ICCAT quota. And there's nothing we can do about
16 it. Or is there? And so we cannot do it
17 unilaterally, but if we get a multilateral cover or
18 sanction for doing that, then we could. And so
19 that's been an issue which we have been pursuing.

20 So, this was sort of -- you know,
21 although we had a much longer detailed list, this
22 was sort of our marching orders. And what happened
23 at the meeting was there was a success -- and this
24 was an incredibly long meeting, three weeks, because

1 we had the allocation criteria workshop, which was
2 then followed by the ICCAT meeting, which was then
3 extended over the last few years.

4 But there was a successful conclusion
5 to the allocation criteria working group. People
6 were happy with what came out of it, which meant
7 that we could now go back to the panels and address
8 some of these sharing arrangements and also setting
9 TAC's.

10 But as has happened in the last
11 several years is that the EC has essentially been a
12 roadblock to getting anything through in a timely
13 fashion during the meeting. I mean, you're in this
14 meeting for eight days, for Christ's sake, you know?
15 You'd think you could get some things taken out of
16 the way. But what they try and do is defer action
17 on everything until the very end. And then it's all
18 going to be done in one fell swoop.

19 And we could see they had -- they had
20 set up their positions on South Atlantic swordfish,
21 on eastern bluefin, and they wanted fishing at
22 levels that were way, way, way above anything that
23 was sustainable. And in the case of the South
24 Atlantic swordfish, the panel for it actually broke

1 down. They were very close to having a sharing
2 arrangement that satisfied all of the players and
3 would have been with a TAC at replacement yield.
4 This is good.

5 But the EC, which has, what, 50
6 percent of the fishery, refused to give up even a
7 small amount of their quota to make it happen,
8 whereas other countries were willing to give up
9 quite a bit of quota to make it work, Japan
10 especially.

11 That wasn't a good sign. And then on
12 the very last day we had had a lot of concerns about
13 bluefin. We kept trying to work with the east to
14 bring down their TAC to a level that was close to
15 replacement. Replacement was estimated a few years
16 ago to be about 25,000 metric tons. They'd been
17 fishing it at 40. You know? It doesn't take a
18 rocket scientist to figure out what's going to
19 happen if you keep doing that.

20 But they kept pushing it off, pushing
21 it off, pushing it off, and finally what happened
22 was we got to the end of the meeting and we had just
23 enough people for a quorum. And the United States
24 refused to go ahead and approve a sharing

1 arrangement and TAC within the east that allowed
2 gross overfishing.

3 I think most of the countries were
4 stunned, but this was a consensus decision within
5 the U.S. delegation. We realized that this was
6 going to be a big monkey wrench in the works. But
7 we've gone along in previous years saying that a bad
8 deal is better than no deal at all. But when it
9 just -- you never see a change in it, finally the
10 hope was that this is going to -- this is going to
11 change the system, you know, and it had immediate
12 ramifications because essentially the meeting just
13 stopped.

14 The panel reports, which had all of
15 the recommendations, most of them hadn't been
16 adopted, so all of the recommendations that we had
17 arrived at were not endorsed. They weren't
18 sanctioned. ICCAT secretariat didn't know what to
19 do. And we basically went home. And still
20 wondering what it was that we had accomplished over
21 those three weeks.

22 And so when you come back to your
23 families after you've been gone for that long and --
24 you know, your loved one asks you well, what is it

1 that you did, and you tell them I don't know, it's
2 -- you know, it's unfortunate.

3 But I don't want to put, you know,
4 that much cynicism in this. I think the United
5 States took an important stand. We were backed up
6 by several other nations. And in the end, as I hope
7 to show you, we accomplished a lot of what we
8 actually set out to do, with some specific U.S.
9 objectives, but not necessarily with southern
10 swordfish, eastern bluefin or bigeye tuna.

11 So, what essentially happened were a
12 few panel reports were adopted. Most of them were
13 unadopted. And we went through and there was a vote
14 that was held by the countries. It was done by a
15 mail vote done last month. And all of the things
16 that had been approved within the panels were then
17 essentially approved as panel reports and will be
18 adopted by the Commission and go into enforcement or
19 -- in August, I believe, of this year.

20 There is still one item that is
21 outstanding and that is again the sharing
22 arrangement and TAC for eastern bluefin tuna. And
23 somehow the EC was able to say that we wanted this
24 voted on again, even though it had not been included

1 in the panel report. The United States didn't feel
2 that it should be voted on again, but we lost that
3 battle. And so now it's out for a vote, but -- and
4 we're hoping that it won't get enough votes to go
5 through. But it will just be for a year and we'll
6 be revisiting it again next -- well, this coming
7 November.

8 So, I'll just go through. In ICCAT
9 there are four panels that deal with the species.
10 Panel 1 is the tropical tunas. The big measure
11 there was the bigeye tuna conservation. And
12 essentially a recommendation that had been -- that
13 accommodated China in the year 2000, China objected
14 to, because it limited their participation in the
15 Atlantic to originally to 30 vessels at 2,000 metric
16 tons or whatever, and so they said this is what
17 we're going to do. The only way we could get the
18 measure through this year was to concede to their
19 demands, because they would object and set their own
20 autonomous quota anyways.

21 But for the United States what was
22 important was that there will be an assessment of
23 bigeye this year and that in that we do have that
24 the SCRS, if the stock is overfished, as it most

1 likely will be, has to come up with stock recovery
2 scenarios. And those scenarios will include
3 undoubtedly not only reduction of longline fishery
4 for the adults, but also in the case of bigeye you
5 have a large harvest of small individuals in the
6 Gulf of Guinea and a fishery -- a surface fishery
7 for skipjack.

8 Panel 2 is the northern temperate
9 tunas, so that's northern albacore and bluefin tuna.
10 The northern albacore catch limits, we tried to
11 increase the United States albacore landings in
12 there. We took them -- we have essentially the mean
13 value for over the last several years is the value
14 that's in there. And that's all we're going to get,
15 as Chris found out, in no uncertain terms.

16 Continuing bluefin tuna research in
17 the central North Atlantic with the set-aside for
18 that, or a special quota for that research. Again,
19 those are -- you know, we've seen large spawning
20 size fish aggregating in the Central Atlantic at a
21 time when they would be spawning, but they're not in
22 an area that we consider to be spawning grounds.
23 So, what are they doing?

24 Resolution on the SCRS mixing report.

1 Again, the Standing Committee on Research and
2 Statistics had held a meeting and they had a report
3 indicating what needed to be done really to get an
4 understanding of the mixing between the east and the
5 west. And it was the basis of that report that the
6 United States was able to stand up and say look, we
7 are very concerned what's happening in the east with
8 bluefin because there is a direct interaction of
9 those fish in the west.

10 And then finally the recommendation
11 on eastern Atlantic bluefin catch limits is still
12 outstanding, and that's why I have an asterisk on
13 that one.

14 Panel 3 is just southern albacore,
15 and southern albacore has been adequately managed
16 over the last several years. They approach it
17 without strict quotas. There's a TAC that they
18 approach and try not to exceed it. And that's
19 worked. So, as long as the stock continues to have
20 good recruitment, there may not be a problem there.
21 So, that was just continued.

22 Panel 4: that includes swordfish,
23 billfish and other species. The recommendation on
24 South Atlantic swordfish essentially rolled over and

1 was the same recommendation you had the year before,
2 where nobody wanted to have a specific quota, and so
3 instead they -- recognizing replacement yield of
4 14,000 metric tons that they would submit national
5 quotas or their anticipated national quotas with the
6 hope that they wouldn't exceed 14,000 whatever
7 metric tons.

8 Well, when they did that last year,
9 it was 22,000 metric tons. And so that same
10 recommendation is rolling over this year, but again
11 of course this year we're going to have a stock
12 assessment. We're going to see what a couple of
13 years -- two, three years of what looks like pretty
14 intense overfishing has done to the South Atlantic
15 swordfish stock.

16 Recommendation to amend the plan to
17 rebuild blue and white marlin. That essentially
18 instructed the SCRS to undertake an assessment of
19 white marlin in this year, which they will do in
20 May. And in the case of blue marlin, if it was
21 going to be put off, to hold in place the management
22 measures which had been put into effect a couple of
23 years ago. So, this is a reduction of landings of
24 blue marlin for each nation of 50 percent. And

1 white marlin was supposed to be a reduction of 67
2 percent and there was supposed to be -- achieve
3 these through the release of live animals.

4 And then a resolution for the
5 evaluation of alternatives to reduce catches of
6 juveniles, dead discards of swordfish. This is
7 essentially time area closures and instructing the
8 SCRS to do a detailed analysis of that.

9 I won't spend too much time on the
10 permanent working group. We have the
11 intercessionals, which will be taking place in Tokyo
12 in May -- right at the end of May. And I won't
13 spend the time on those now, because we don't have
14 that much, but if you want to talk more about those,
15 I'll be happy to do that.

16 But what we did get in the permanent
17 working group was we did get a measure which may
18 allow the multilateral cover for unilateral trade
19 actions. And this is a biggie. We want to see how
20 it's going to hold up. But -- and I'll probably let
21 Glenn talk a little bit more about that -- or Kim
22 Blankenbecker, who's joined us in the audience here,
23 who is the ICCAT -- our national ICCAT secretariat
24 and local guru on ICCAT issues.

1 Compliance, PWG essentially addresses
2 a lot of actions for non-members within the
3 Atlantic. The Compliance Committee, which is
4 something that the United States has been harping on
5 for the last many years, and certainly Rollie
6 Schmitten has been pushing that agenda very hard, is
7 to make sure that ICCAT member nations have the same
8 rules and follow them just as non-member nations.
9 So, it isn't join the club and loot and pillage,
10 it's join the club and do the right thing.

11 We've had a hard time with
12 compliance, even getting countries to submit their
13 data for compliance tables on time. We really only
14 have strict compliance measures with bluefin tuna
15 and swordfish, where we have overage, underage
16 provisions. We have penalties if you have an
17 overage in multiple years.

18 Other infractions, like as I
19 mentioned yesterday with billfish or in the case of
20 a lot of minimum size requirements, there is the
21 charge that nations which do abuse or do not comply
22 have to come to the full group and indicate their
23 noncompliance, the magnitude of that noncompliance,
24 and measures that they've taken domestically to

1 ensure that that noncompliance will cease.

2 And so what we have done in the
3 United States is to try -- and Canada's worked very
4 closely with us -- and Japan to some extent, too, is
5 just to try and refine this system so it does
6 exactly what we want it to do. And we're getting
7 closer. It's not a perfect system, but we're
8 getting closer.

9 And then plenary, again, they adopted
10 the report for the allocation of fishing
11 possibilities. These are allocation criteria,
12 allowing temporary adjustment of quotas. These
13 would be specific quota transfers, like we did to
14 help Japan just last year. But it ensures a
15 transparency of those actions and restricts them in
16 what they can do. And then we just continued some
17 shopkeeping there and the next meeting will be held
18 in Bilbao, Spain. It will be held earlier than
19 normal, at the end of October to early November,
20 which means that with all the assessments we have
21 coming up this year, we're going to have a very busy
22 ICCAT year.

23 The ICCAT meeting, generally what we
24 do is we get home exhausted in November and then we

1 see our families, have Christmas and don't think
2 about it much until we have our spring species
3 working group, although this year I think Kim spent,
4 as well as the commissioners, several weeks trying
5 to figure out what could be salvaged from the
6 meeting. So, it wasn't as easy for them as it
7 normally is.

8 But what we do is the committee gets
9 together, along with the 16 technical advisors in
10 the spring and four species working groups, and the
11 focus of that meeting is to really give the National
12 Marine Fisheries Service our list of recommendations
13 for management and research for these species.

14 And so I'll just quickly go over what
15 the major recommendations are, and again, people can
16 elaborate on this later, or if you'd like to get the
17 full reports of the groups, you can contact Kim
18 Blankenbecker or myself, and I can send them out to
19 you electronically.

20 But in the case of billfish, I want
21 to continue to understand post-release survival of
22 animals, white and blue marlin released from both
23 commercial and recreational gears, to get an idea of
24 really what kind of mortality is occurring on these

1 animals.

2 We also would like to identify
3 habitat preferences, and that falls right into
4 number 3 here, and that one of the things that the
5 Japanese are doing, along with scientists at the
6 Inter-American Tropical Tuna Commission, is to try
7 and use a model that weights CPUE's of longlines
8 based on the depth of the longline set. And the
9 idea here is that marlin are occupying the upper
10 strata of the water column, and in a deep longline
11 set they shouldn't really have access to that gear.

12 Unfortunately, what the Japanese see,
13 as they've gone traditionally from a shallow
14 longline set to deep longline set, and this was like
15 in the '60s and '70s into the '80s and '90s where
16 they're now targeting bigeye tuna deeper, they've
17 actually seen in some cases an increase in the CPUE
18 of billfish. This doesn't make a lot of sense if
19 they're setting deeper in the water column.

20 So, what they've done in the Pacific
21 is they actually did an assessment where they
22 corrected or adjusted the deep sets for the time
23 that they thought the animals were spending at
24 depth. And when they did that, it essentially

1 showed that lo and behold in the Pacific Ocean, blue
2 marlin are at virgin population stocks.

3 So, that's probably not a very good
4 picture of reality, but it shows what you can do
5 with an assessment based on different
6 standardizations. So, what The Billfish Advisory
7 Panel felt -- or the billfish working group, excuse
8 me, felt was that we need to better understand the
9 assumptions inherent in this model.

10 Try to get an age structure
11 incorporated into the production model right now.
12 The assessment is pretty crude. Again, research to
13 minimize billfish encounters, or when they are
14 encountered to reduce billfish mortality. So,
15 that's -- time area closures, look at those. Also
16 look at different types of gear type that might
17 increase survive after an interaction.

18 And again, we don't know a whole lot
19 about age and growth of billfish. We know very
20 little about billfish spawning on an oceanwide
21 basis. And these would be -- these are the kinds of
22 things that you really need to know in order to
23 effectively manage a species.

24 Management recommendations, if you're

1 having mandatory live release of billfish, then you
2 have to have observer coverage to actually observe
3 that. I mean, how else -- you know, so we have to
4 have observer coverage. Accurate data collection.
5 Again, a lot of countries are not reporting
6 billfish. They're just not that important to them.
7 They may keep them. They may discard them. But if
8 they're not a target species, the data that are
9 being collected are usually pretty poor.

10 Even in the U.S. fishery when, you
11 know, an observer was on the boat, captains have
12 traditionally under-reported catches of billfish.
13 Why? Because they're not noting down the billfish
14 as much as they're noting the swordfish or the tuna
15 that are coming on board, because that's what's
16 important to them.

17 Also this year is going to be a
18 disaster at ICCAT. You're having again assessments
19 for bigeye, bluefin, swordfish, white marlin at
20 least. This makes it really hard to focus on the
21 management of any of these species if all these
22 assessments are done, and so the recommendation was
23 we'll try and spread this out a little more evenly
24 over time.

1 Catch rate analyses, white marlin and
2 blue marlin by one degree squares. A lot of
3 countries have this information, but to date it's
4 only been done by five by five squares, which may --
5 at that level of resolution, you may miss a lot of
6 fine scale features, which would be important in
7 actually setting up effective time area closures.

8 And then again some idea of
9 increasing observer coverage. How are you going to
10 do it? Observer coverage, we've been told, is
11 extremely expensive, and maybe there's other ways to
12 find funding, at least temporarily, for a higher
13 percentage of observer coverage which would allow
14 data collection, not enforcement, but data
15 collection.

16 Swordfish species working group,
17 which Gail ably convened. Again, to support -- that
18 the U.S. should support the 2002 stock assessment.
19 And undoubtedly the Southeast Science Center will be
20 there, and hopefully some other individuals, as
21 well.

22 They want improved reporting of U.S.
23 recreational swordfish catch, just -- we will be
24 held accountable for that. A lot of countries read

1 and come in with our sport fishing magazines and
2 hold them up in our face, even though we can hold
3 them up and say yeah, in the same issue there's an
4 article on the Canary Islands or on Madeira or
5 something, but that doesn't matter much. We have to
6 have -- we're held to a higher standard, but that's
7 the reality of the situation.

8 They wanted observer coverage, again
9 five percent domestic on all gear types. And
10 international as well, whatever we can do to
11 increase international observer coverage.

12 Japan, which has a huge problem in
13 terms of swordfish, exceeding their quota in the
14 north but not exceeding it in the south, had very
15 poor observer coverage within the Atlantic Ocean --
16 in fact, a total of seven observers in the Atlantic
17 Ocean, and none of those observers was deployed on a
18 ship which was fishing in the area where we were
19 most concerned about the incidental take of
20 swordfish in a fishery for bigeye tuna. So, no data
21 there. And surprisingly, the ratio of swordfish to
22 bigeye dropped remarkably in those areas, where we
23 had no observer coverage, the reported ratio. But
24 just coincidence, I'm sure.

1 And then to promote international
2 compliance with the vessel monitoring system
3 recommendation, which is on the books for ICCAT.
4 Management, rebuilding plans, stay the course. You
5 know, if -- the assessment hasn't been done yet, but
6 based on the abundance of small fish, things seem to
7 be going well. So, however the assessment goes,
8 let's keep on with the target that we have.

9 Allocation, as this could come up,
10 defend the U.S. share, our traditional share of that
11 fishery, which the U.S. has voluntarily given up
12 quite a bit of that fishery in order to get
13 rebuilding plans and getting sharing arrangements.

14 Whatever we can do on an oceanwide
15 basis to reduce swordfish mortality. Those would be
16 time area closures. And again, the trade compliance
17 multilateral authority to implement unilateral
18 actions, to continue to push this and actually
19 implement what we may have already gotten the
20 infrastructure for.

21 Bluefin tuna, we don't need to worry
22 about that.

23 Okay. Some -- the research
24 recommendations, pretty straightforward, to support

1 the central Atlantic research looking into what
2 these large bluefin tuna are doing in March, April
3 and May north of Bermuda. Continue stock structure
4 research using genetics, microconstituent analysis
5 of otoliths. Continue high tech tagging efforts and
6 to have that done not just in the U.S. but to really
7 get a picture of what's going on, it has to be done
8 throughout the range of the animals.

9 To pursue alternative stock structure
10 hypotheses. Obviously, maybe one big homogeneous
11 stock isn't the case, and it's certainly not two
12 discreet east/west stocks. What is it that we have
13 there? You know, let's try implementing some other
14 models. Let's not just try two ends of a continuum,
15 but go beyond that.

16 Continue research on the Gulf of
17 Mexico spawning stock, how much spawning is going on
18 in the Gulf of Mexico. And then looking at stock
19 recruitment functions. For those of you that were
20 familiar with the last few assessments, the
21 relationship between recruitment and spawning stock
22 in bluefin tuna like many pelagic fishes, like in
23 many fishes, is highly variable. And so the
24 function that you use to do that can have a great

1 effect on your rebuilding plan and on your stock
2 assessment.

3 Management recommendations is to note
4 U.S. catches in the eastern Atlantic. The United
5 States has taken catches of eastern bluefin on -- to
6 east of 45 degrees west. Generally, those have been
7 reported as landed in the west, just because that's
8 where the boats have offloaded, but we -- the group
9 felt that there was -- we have a stake for that and
10 we should at least let it be known.

11 Also to communicate the results of
12 the upcoming General Fisheries Council of the
13 Mediterranean meeting. The last time that that
14 happened there wasn't an adequate dissemination of
15 the results and the committee wanted that to be done
16 right away.

17 Allocation of small bluefin in the
18 western Atlantic. Again, ICCAT holds us to eight
19 percent, but that doesn't necessarily agree well
20 with our recreational fisheries. We could have
21 something that's resource neutral by reducing take
22 of somewhat slightly larger fish to increase the
23 schoolfish size.

24 And again, this is one of the few

1 instances where ICCAT is actually mandating
2 something going on in a specific country. So,
3 again, we're held to a slightly different rule.

4 Monitoring of tuna farming and NEI,
5 which is not elsewhere included. Last year, the
6 Standing Committee on Research and Statistics did
7 not pursue not elsewhere included. In some years,
8 based on the bluefin tuna statistical document, most
9 of which arrive over in Japan, Japan notes what some
10 countries are in fact harvesting -- or what they've
11 exported to Japan exceeds what they're reporting as
12 their catch. And this has been used to adjust
13 country catches.

14 But now a lot of countries are saying
15 well, you know, we reported these animals as caught,
16 but they increased in size while in our pen and
17 they're using this as a smoke screen. And so we're
18 not taking into account some of the mortalities,
19 which we need to, for this.

20 So, the working group wanted a better
21 accounting of what's going on in tuna farming, and
22 if they can't provide that information, then just
23 live with what it is that they are in fact
24 exporting.

1 Again, a major goal is to achieve a
2 sustainable level of fishing in the eastern
3 Atlantic, and again an allocation criteria, as Rich
4 will say, defend the U.S. share.

5 The BAYS, this is bigeye, albacore,
6 yellowfin and skipjack, we have three sets of
7 recommendations here. Data recommendations, which
8 is going to occupy a lot of your time tomorrow, so
9 I'm not going to spend too much time on it, but
10 again the recreational and commercial landings of
11 BAYS species have traditionally been grossly
12 underreported. And that is a feeling of every
13 constituency within the group, and the Caribbean has
14 essentially been ignored.

15 We are coming to the time in ICCAT
16 where all of these are going to come under quota
17 management. And if we don't have a historical
18 record at the time that they go into quota
19 allocation, we're not going to get credit for it.

20 So, we can spend a lot of time going
21 back into history and trying to figure out what it
22 is, or we can get on our horses now and do a really
23 good job for a little while of figuring out what
24 actually is coming across the docks.

1 And they want a workshop to pursue
2 that and to indicate again that all of our reported
3 landings in the BAYS species working group are
4 provisional. And as I mentioned yesterday, as long
5 as we have a statistical document, we can go back
6 and revise our landings, but if we do that after
7 there's an allocation criteria, we've lost out. We
8 need to have the numbers at the time that we're
9 going in there. So -- and who knows? Next time
10 yellowfin is assessed, we may be pushing that
11 envelope.

12 Research recommendations, continue
13 life history studies of BAYS. They're a little bit
14 better known than billfish, but not a whole lot
15 better. They did applaud, the BAYS group, that NMFS
16 made an initial stab to collate information on
17 research that was being funded by the federal
18 government relative to BAYS species. And it was a
19 good first step, but they encouraged the agency to
20 build a better packet, as this group has done. And
21 so I'm sure that next year at this time both of us
22 -- both groups will see results of that.

23 Economic impact and benefit studies
24 of the BAYS fisheries, recreational fisheries.

1 Management recommendations, pursue international
2 rebuilding programs for all overfished BAYS tunas.
3 U.S. to ensure compliance with minimum size
4 recommendations.

5 Again, the -- almost half of the
6 animals that are taken in the yellowfin and the
7 bigeye fishery are less than the ICCAT minimum size.
8 And each country has -- actually on a per trip basis
9 a tolerance of 15 percent. So, you know, it's just
10 not working, and so how are we going to -- you know,
11 we want to ensure that you get -- you know, the
12 greatest yield per recruit that you can. How are
13 you going to do that? You're going to have to do
14 something with this fishery in the Gulf of Guinea.
15 And so that could be gear modifications or time area
16 closures or something, but to pursue that
17 essentially and have a workshop possibly for doing
18 that.

19 Number 5: introduce measure
20 reiterating responsibility to provide basic catch
21 and effort data. Again, some countries don't even
22 provide the necessary information. And this is
23 below compliance. This is just the basic data. So,
24 we have to go beyond that.

1 And one other thing that happened in
2 plenary, or actually in Panel 4 that was on the
3 slide back at the ICCAT meeting that I didn't dwell
4 on was the fact that this was something that the
5 ICCAT Advisory Committee had been pushing ICCAT for
6 a long time to take actions on pelagic sharks.

7 And this year the United States --
8 this was an important agenda item for us and we had
9 an amazing amount of multilateral cooperation. I
10 mean, even the EC was coming out with a shark
11 resolution, the turtle resolution, birds. I mean,
12 all of a sudden there seemed to be a lot more
13 interest in the entire ecosystem as a whole, and we
14 did pass a resolution which -- and a resolution is
15 nonbinding in ICCAT terminology, but -- you know,
16 it's a strong suggestion. So, a resolution which
17 prohibits finning.

18 And also it does -- and a resolution
19 to the SCRS means that this will happen is to have
20 an assessment for blue sharks, mako sharks, and I
21 think porbeagle, as well, in 2004, wasn't it? Or
22 was it 3? 2004.

23 And so as opposed to the data
24 preparation meeting, which was something that the

1 SCRS just decided to do on pelagic sharks, this time
2 the Commission has mandated to the SCRS that they
3 will undertake an assessment.

4 So, whereas Ramon may have given the
5 picture before that -- you know, it's going to be a
6 real weak assessment, now countries, since it's
7 going to happen, are going to have a much greater
8 interest in it. And even though we undoubtedly will
9 miss some data from some countries, I think there's
10 going to be a little more substance to it than would
11 have been given the perception at the data
12 preparatory meeting that was held last year. And
13 that's more than my 15 minutes.

14 MODERATOR CHRISTOPHER ROGERS:

15 Thanks, John. I didn't really envision a lengthy
16 discussion. We can probably entertain a few
17 comments, because obviously the venue for that was
18 at the ICCAT Advisory Committee meeting and the
19 species working groups.

20 Obviously there is an interface
21 between what happens internationally and what we do
22 domestically, particularly with respect to
23 rulemaking, research, monitoring and reporting. So,
24 I thought it would be good for those members of this

1 panel who were not present for the ICCAT meeting to
2 get an update.

3 So, let's try to finish up this in
4 maybe about ten minutes, although I'm seeing a lot
5 of hands coming up. So, that may be overly
6 ambitious. How about -- we'll try to cut this
7 discussion off at 2 o'clock. We've got 20 minutes.
8 So, let me keep track of a show of hands.

9 All right. We'll let Glenn go first.

10 GLENN DELANEY: Thank you very much.
11 I appreciate that. John, you just clarified one
12 thing I wanted to mention for Ramon, is that the
13 meeting you attended, I believe, was that before our
14 ICCAT meeting, was clearly a group of scientists
15 getting together and definitely did display the type
16 of behavior that we were trying to respond to at the
17 ICCAT meeting itself.

18 And I think as Dave Wilmot had
19 indicated, the actual ICCAT plenary meeting, which
20 is I guess the fishery managers as opposed to
21 scientists, if you will, are the people speaking on
22 the floor, did embrace with some enthusiasm the need
23 for moving forward the shark agenda.

24 So, hopefully that will correct --

1 and as John correctly pointed out, they've been
2 directed to do something now. So, we'll look for
3 your report next year, I guess, and how it went.

4 The second thing I wanted to mention
5 with regard to bluefin tuna -- first of all, John,
6 your presentation was excellent, and that's a lot to
7 cover and I don't know how you can do it in 15
8 minutes.

9 But on the bluefin tuna situation, I
10 just want to make sure it's clear that what happened
11 was really not an accident. It was something where
12 we had to think on our feet, but it was part of a
13 larger effort in design that's been going on for
14 some time.

15 A number of us have looked at ICCAT
16 as realistically the only way we're going to
17 successfully conserve and manage these Highly
18 Migratory Species that are being fished on by 30 or
19 more nations at any given time throughout the range
20 of the species.

21 And unilateral measures are just
22 simply not going to cut it. So, as broken and
23 challenging and frustrating as it may be, and
24 depressing, I would say, we have to accept the

1 reality that this is our best shot if we're going to
2 try to improve things.

3 The game as a commissioner for me has
4 always been how do you find leverage in an
5 international forum when you have none. How do you
6 create some. And every time you see it, you grab
7 it, and hopefully turn something out of it.

8 On the bluefin tuna, we have been
9 very frustrated with the European Union's
10 performance on bluefin tuna, but we've also been
11 very frustrated with their performance on a range of
12 fisheries. In fact, every fishery that they're
13 involved with. Which is almost all ICCAT fisheries,
14 the EU either has -- I bet they have the majority of
15 just about every fishery that we manage at ICCAT,
16 with very few exceptions, and sometimes more than 50
17 percent of the harvest they have.

18 So, they are the dominant player.
19 Are there other countries that are bad behavior --
20 bad players? No question about it. But the biggest
21 single fisher in ICCAT needs to clean up its act if
22 we ever have a hope of addressing -- you know, the
23 relatively tiny infractions that the Pharaoh Islands
24 might bring us on bluefin tuna or the northwestern

1 African nations or any of the Latin American
2 nations.

3 We really -- it's very difficult to
4 go to them and talk about their lack of compliance
5 when you have very highly developed nations like
6 Spain and France and Italy and what have you who
7 have every technological, economic advantage in the
8 world, and have absolutely no excuse for not being
9 able to comply, doing such a bad job of that.

10 So, we several years ago targeted the
11 EU as sort of the turning point of ICCAT. If we can
12 get the EU to join us, the United States, as leaders
13 of conservation at ICCAT, then we do have a prayer
14 of sequentially nailing down these other regions of
15 the world where we have some problems.

16 And bluefin tuna just happened to be
17 the species and the issue that we decided to sort of
18 try to break their back and force -- and create some
19 leverage on them.

20 And so I don't want to create the
21 sense that we went into the meeting with great hope
22 of achieving great things for eastern Atlantic
23 bluefin tuna and that we were sorely disappointed
24 and lost our battle. You know, we were very much

1 anticipating the EU strategy of delaying the issue
2 till the end of the meeting and trying to jam us at
3 the end, and everyone would throw up their hands in
4 exhaustion and give in to them. We came prepared.
5 We had a lot of support in advance from Congress, so
6 that the United States would stand tall on the issue
7 and as it played out, we were able to do that.

8 Follow-up to this is everything.
9 What we do subsequent to rejecting their proposal
10 means -- will determine whether we're successful or
11 not. We went into that meeting with the
12 preconceived position that we would not accept any
13 plan for the eastern Atlantic tuna that did not
14 bring their fishing mortality down to a sustainable
15 level.

16 The proposals that they put on the
17 table, as they have in past years, are at about 140
18 percent of that sustainable level. So, they had a
19 long way to go. And we held firm, as I said, in
20 that, and we have had a great deal of discussion
21 among the commissioners within the higher levels of
22 our own government to plan an attack, if you will,
23 on the higher levels of the European Union
24 government as well as the governments of the

1 individual EU member nations such as Spain and
2 France, etcetera, and we have done quite a bit of
3 work on that.

4 I won't go into any detail on that
5 right now, but again, follow through and follow up
6 on that is pivotal to our succeeding in bringing to
7 the attention of the high levels of government the
8 fact that the EU is a very, very poor participant in
9 terms of conservation performance at ICCAT, and
10 they're putting at risk a great many resources that
11 are important not only to them, but to us.

12 Bluefin tuna, as was mentioned by
13 John, our arguments and leverage is created in part
14 also by the science that is emerging, where already
15 we've seen results that suggest more than 30 percent
16 of the fish which we fish on in the west spend time
17 in the east.

18 I think as that science progresses
19 through the electronic satellite tagging programs,
20 we'll probably resolve into a situation where even
21 if there is determined to be spawning site fidelity
22 in the Mediterranean, Gulf of Mexico or central
23 Atlantic, or wherever, even if that is the case --
24 and personally I'm unconvinced at this time, as you

1 know -- but even if that is the case, the degree of
2 mixing, if you will, of fish from those natal
3 origins is so great throughout the range of the
4 species that effectively we may be only able to
5 manage it as if it were one stock, and we may end up
6 with a one management unit, which will be more
7 representative of reality -- certainly more than
8 what we have right now with a line down the middle
9 of the ocean and pretending that the fish stay on
10 both sides.

11 So, I think that in a way the result
12 of the bluefin tuna situation at ICCAT was for me
13 personally a culmination -- you know, it was a
14 victory for me because -- you know, we finally as a
15 nation said hell no, we're not going to accept
16 anything less than conservation or sustainability
17 and we're prepared to back that up at the highest
18 levels of our government and go basically tattletale
19 on you to your bosses and see if we can't correct
20 that. So, that's what we're in the process of doing
21 right now.

22 And then also I would say that even
23 though many, many proposals were left unfinished at
24 the end of the meeting, recent voting has taken

1 place, and I believe that -- and Kim can add to this
2 if anybody wants to know -- but I think the U.S. was
3 able to secure virtually every one of the proposals
4 that we had moved through the panel level. So, we
5 had a pretty successful meeting in that respect.

6 The last thing I wanted to talk
7 about, and I'll do it later or whenever you say, is
8 I just wanted to clear up any potential
9 misunderstandings, not about this past year's
10 meeting, but about the Morocco meeting on billfish.
11 So, if you can indulge me for two minutes right now,
12 I'll do that, or if you want to -- I mean, I'm at
13 your disposal, but I think it's an important
14 clarification that needs to be made.

15 UNIDENTIFIED: (Inaudible.)

16 GLENN DELANEY: Well, why don't you
17 -- we can talk about what I'm going to talk about,
18 or I can just say it and be done with it. For two
19 minutes.

20 UNIDENTIFIED: (Inaudible.)

21 GLENN DELANEY: Let's spend two
22 minutes talking about a minute discussion. I did
23 get a sense, and perhaps it's an incorrect
24 perception, but I want to make sure that this isn't

1 out there in the billfish community in particular,
2 that we did not do our very best to secure the
3 correct quota or number cap of billfish for the
4 United States at that meeting.

5 The truth is, you know, I had a
6 leadership role in the negotiation of that agreement
7 and I recall personally delaying the resolution or
8 conclusion of the negotiations on the point of what
9 the U.S. cap would be with other nations -- you
10 know, I had to kind of scramble to keep that alive
11 and on the table before I got nailed down -- for
12 days, waiting for resolution by scientists, you
13 know, Doctor Graves and Doctor Goodyear, who are
14 very much part of the billfish community.

15 The NMFS people, Chris Rogers, and
16 all the assets that they had. Certainly the
17 Billfish Foundation representatives. Bob Hayes was
18 on the premises, although not in the meeting, but
19 certainly part of our back room discussions about
20 trying to resolve what should this number be.

21 And so this was not something that
22 was jammed down your throats. I just want to make
23 sure that's absolutely clear. I provided as much
24 time as I could keep that issue alive for you guys

1 to come up with the best number, and I believe your
2 people in the -- I'm talking the billfish community,
3 your people did the absolute best they could to
4 resolve that number with the information that was
5 available two years ago in Morocco.

6 And you know, there should be no
7 concern about the Commissioner -- I forgot to
8 mention Mike Nusman's involvement in that. He was
9 extremely concerned and diligent about making sure
10 that we put our best foot forward on that, and
11 certainly John Graves and Ellen Peel and Bob Hayes
12 and others.

13 So, that's one thing I wanted to
14 clarify. And I would also say that I gave Mike the
15 final word as to what that number would be and then
16 I took that and worked it into the deal.

17 Then there's this other concern I
18 have, which you know, having said nice things to the
19 billfish community I'm probably going to get in
20 trouble with them right now. The issue of is this a
21 quota or not a quota. It's none of my business from
22 -- you know, I guess my commercial fishing interest
23 perspective and that hat, to meddle with that issue
24 as to how NMFS decides to treat the number of 250

1 billfish. And I don't want to meddle with that.
2 Except to the extent that it may have an effect on
3 my ability as an ICCAT Commissioner to do my job.

4 And the concern I have is
5 interpreting this number of 250 as anything less
6 than a quota, a hard number. And I'm very open to
7 hearing how we can do that, but if the United States
8 knowingly allows one of its ICCAT managed fisheries
9 to exceed a hard number, whether it's 250 fish or
10 1200 metric tons or -- you know, whatever the
11 species is and whatever the fishery is and whatever
12 the number is that we come home from ICCAT, and we
13 knowingly allow one of our own fisheries to exceed
14 that number because our effort controls or size
15 limits or whatever were not quite as effective as
16 they could have been in limiting the number of fish
17 to 250, I think that that will seriously undermine
18 our credibility at ICCAT.

19 It would be like saying to Rich or
20 Nelson, you know, well, you know, Spain said they
21 were going to do the very best they could and they
22 put in all these controls and -- you know, they came
23 up 20 percent over, and for them to argue that that
24 would be okay and an acceptable result, well, we

1 would be -- you know, that's what we've been facing
2 at ICCAT all these years is all that baloney.

3 And if we are going to try to pursue
4 basically the same line of bull shit, excuse me, by
5 saying well, we tried, but -- you know, darn, we
6 just didn't quite make it, well, I'm not going to be
7 able to -- well, the first -- I think there'll be
8 several consequences which you're not going to like.
9 And so think about this seriously.

10 One is don't expect anybody else to
11 comply with the existing billfish plan at ICCAT.
12 Forget about it. I mean, Brazil and them? They're
13 going to laugh if we come in knowingly having gone
14 over and allowed the fishery to continue to land
15 fish.

16 Secondly, I'm not going to be able to
17 negotiate any more billfish stuff, we've lost our
18 credibility on the issue. We've told the world that
19 this is such a serious situation that they have to
20 do all these things, and we beat them up pretty
21 good, gave away of bunch of Nelson's swordfish to
22 get it, and then to come back and not comply
23 knowingly ourselves, I'm not going to be able to get
24 much more done for billfish.

1 And then I guess lastly, this will
2 spread to all ICCAT issues. The United States has
3 been able to maintain its credibility. Sometimes we
4 go over quotas, we report it, we take our slap on
5 the wrist, we take our deductions or we do whatever
6 we have to do to fix it. But it's not purposeful
7 and it's not knowing to go into a situation knowing
8 that we're not going to comply with it.

9 And if that's going to be the case,
10 we're going to have a really hard time pursuing
11 eastern Atlantic bluefin tuna, South Atlantic
12 swordfish, albacore, billfish, you name it. We've
13 just basically sunken down into the sewer right
14 along with everybody else, all over 250 billfish.

15 So, think about it. It's billfish,
16 what you got on the table now. It's billfish for
17 the future. And it's all species for the future.
18 And if you can find a way to say 250 isn't 250, I
19 support you 100 percent if it doesn't affect our
20 credibility at ICCAT in the future. And please
21 don't get mad at me for saying it, because I'm not
22 picking on the billfish people. You know how much I
23 supported this initiative. It's just reality.
24 Think about it. Thank you.

GLENN DELANEY: Well, I had a bunch of people come up to me after the meeting yesterday and said that's not a quota, we don't -- that's not a quota.

GLENN DELANEY: I said all right, you tell me what it is.

Again, that was negotiated on the premises that it was -- not only the status quo, but anticipated some cushion in respect to the current level of landings in that fishery. Incorporating the reductions achieved already with the billfish plan and increasing in the minimum size.

1 Again, we're going to fall behind on
2 the agenda, but let's try to finish up the ICCAT
3 discussion while John's here. He's got a few more
4 moments before he's got to head out. I had Wayne
5 and Rom. Who else? Joe McBride, Irby Basko.

6 WAYNE LEE: Thank you, Mr. Chairman.
7 John, that was an excellent briefing. I echo
8 Glenn's words. Thank you very much for covering a
9 lot of good information. I have one comment to make
10 and then I have a question for you.

11 The comment has to do with yellowfin
12 tuna. You know, we've had very much concern ever
13 since that three-bag limit on yellowfin tuna was
14 imposed in the recreational community, and I don't
15 want to go back to your words earlier, but the
16 concern that we expressed to you -- at least when
17 you visited our area down there, was that if some
18 later time that then would cause a problem that the
19 bag would drop from three to two to one, and that
20 put our charter fleet and our people out of
21 business. And so that's still a concern that's
22 there.

23 The question I have for you has to do
24 with bluefin tuna, and it is this. We're having a

1 stock assessment done this year. Is it realistic to
2 assume if that stock assessment is positive that the
3 U.S. could achieve or obtain additional quota? Is
4 that a realistic goal or assumption?

5 JOHN GRAVES: The way it's set up is
6 that the recommendation has sort of a buffer zone
7 for the rebuilding plan, and if the assessment is
8 sufficiently positive above that buffer zone, then
9 the recommendation that's in effect would allow for
10 an increase in the TAC. If it was in line.

11 So, yes, theoretically it's possible
12 if the assessment were sufficiently robust, that it
13 exceeded that -- I think it was a 200 metric ton or
14 something buffer. And so --

15 UNIDENTIFIED: If I could just add to
16 that point. At the last stock assessment in 19 --
17 in 2000, both of the recruitment scenarios met the
18 rebuilding criteria, which is that you have to have
19 50 percent probability that you're still going to
20 achieve -- ultimately achieve your time table and
21 your rebuilding objective.

22 And both the low recruitment and the
23 high recruitment strategy surpassed that at the
24 3,000 ton level. It was 75 percent for the low

1 recruitment scenario and 62 percent for the high
2 recruitment scenario under a 3,000 metric ton TAC,
3 which would be about a 500 ton western Atlantic
4 increase, of which the U.S., if all things stayed
5 the same, would get about 260, 270 tons. Assuming
6 you have the same kind of stock assessment this
7 July.

8 ROM WHITAKER: Yes, I have some
9 questions, four questions really. Did we not or did
10 not ICCAT -- I was thinking three years ago -- agree
11 to a take a 25 percent decrease in marlin landings?
12 And are we seeing an effect from that or hasn't a
13 stock assessment been done?

14 UNIDENTIFIED: The '96 recommendation
15 said that by 1999 you would see a 25 percent
16 reduction in landings from that time. Many
17 countries did that. Brazil had an increase of 200
18 percent for blue marlin and 300 percent for white
19 marlin. And the only way that we could accomplish
20 in 2000 in Morocco the billfish recommendation which
21 would have live release and then a rollback of 67
22 percent on white marlin and 50 percent on blue
23 marlin, was to use the landings reported for 1999.

24 This was not fair to many nations,

1 and Japan at this last meeting in Spain was really
2 upset that we had been -- we had not been fair to
3 everybody, that they felt that they had been --
4 because they had followed an ICCAT recommendation,
5 that they were being penalized. And it was like
6 welcome to the club, you know?

7 ROM WHITAKER: And I'll just go ahead
8 and go through my other three. I know Glenn pretty
9 well explained it and it looks like maybe you all
10 are making some headway with the bluefin tuna issue
11 anyway, but I was curious as to what happens with
12 this year. Do the countries remain at whatever
13 their level was last year? Do they just have a
14 carte blanche, you know, unlimited catch?

15 And my third question was on observer
16 coverage. I know you said five trips were observed
17 by Japan in the Atlantic, and were those our
18 observers or were those Japan observers?

19 And my fourth question is on the BAYS
20 tuna, how long do we have before the yellowfin issue
21 is really going to come to a head? Thank you.

22 JOHN GRAVES: Glenn, do you want to
23 handle the bluefin?

24 GLENN DELANEY: It's a difficult

1 question to answer. We left -- certainly the U.S.
2 understanding leaving the meeting because these
3 words were spoken in effect, in my opinion, by the
4 Chairman, was that there would be an effort by
5 nations to maintain their current level of harvest.
6 But to be honest with you, it's a free for all
7 anyway. It is a free for all. It's hard to
8 perceive that any nation is limiting its harvest of
9 bluefin tuna in the east right now.

10 So, that's a potential downside,
11 conservation downside of what we did. And we knew
12 that. But it has to be done to finally break the
13 back of their pattern of behavior or ICCAT is a
14 writeoff. And I'm not going to give up.

15 JOHN GRAVES: Thanks, Glenn. In
16 terms of the observers, I think it was seven
17 observers or seven observed trips, and those were
18 Japanese observers. In ICCAT, the nations are
19 responsible for observing the fishing practices of
20 their flagged vessels. This is different than for
21 instance IETTC, where you have an international pool
22 of observers which are put on the vessels. So,
23 those were Japanese observers.

24 And in terms of the BAYS, I mean,

1 obviously we're already going there. We've gone
2 there with bigeye. Where's yellowfin? Well,
3 fortunately, yellowfin are pretty good at
4 reproducing and recruiting. We will see -- my
5 perception is that we will see going to quota as
6 soon as we have the first significant decrease in
7 biomass in an assessment.

8 So, right now we're at about a
9 biomass that supports maximum sustainable yield. We
10 get down to .8 or whatever, and then everyone's
11 going to start grabbing for what they can get. And
12 that's -- so I think we have time. You know, there
13 may be a push this year. I know Brazil is
14 concerned.

15 UNIDENTIFIED: (Inaudible.)

16 JOHN GRAVES: I don't know. I forget
17 -- bigeye is this year, but yellowfin -- 2003? And
18 so you know, if it's a bad assessment in 2003, you
19 could expect maybe that year that we would all of a
20 sudden start seeing a move towards quota.

21 And so the reality of the situation
22 is if the U.S. and the National Marine Fisheries
23 Service is going to put some money into looking at
24 -- in joining the states into getting an accurate

1 counting of what it is we're landing, now is the
2 time to do it. Doing it in two years, it may be too
3 late.

4 UNIDENTIFIED: (Inaudible) -- a
5 different direction as far as bigeye, and it's not
6 working. Whether it will eventually work, I don't
7 know. But somewhere along the line, the United
8 States is going to have to be able to say we need
9 some numbers involved, and we have not been able to
10 say that on bigeye or yellowfin because of the
11 situation with our not being able to recover past
12 production records. But you know, there's going to
13 have to be some lead somewhere along the line to
14 push for real numbers because all the quasi-
15 management things that have been coming out, they're
16 not working.

17 MODERATOR CHRISTOPHER ROGERS:
18 (Inaudible) -- tomorrow. We've really got to move
19 along if we're going to get back on track with the
20 agenda. We still have some lingering observer
21 questions, I believe, as well as some final shark
22 comments. Irby Basco.

23 IRBY BASCO: Thank you, Mr. Chairman.
24 Most of my concerns have been asked and answered,

1 best they could. One question for John. Does any
2 other countries has designated some closed areas
3 like we have in the United States?

4 JOHN GRAVES: Yes, they have. We
5 have effectively time area closures in the
6 Mediterranean in spawning areas and putatively small
7 bluefin areas. You also have in the Gulf of Guinea
8 there was a voluntary time area closure fishing on
9 fads, which it's a skipjack fishery because it takes
10 an awful lot of small yellowfin and bigeye. And so
11 that was originally a voluntary program by the EC
12 but then it became an ICCAT recommendation. And so
13 that -- so, time area closures are something that is
14 in the ICCAT lexicon, or in their management
15 toolbox, yes.

16 IRBY BASCO: Okay. So, we're not by
17 ourselves then. Thank you.

18 GLENN DELANEY: This is a really
19 important distinction here, not to -- those were
20 multilateral decisions that affect all the players
21 in the fishery. The Mediterranean is a body of
22 water that's managed by a regional organization that
23 chose to select time area closures based on a
24 collective decision of all participants in the

1 fishery. The same with the Gulf of Guinea closure
2 through ICCAT.

3 In no case am I aware of a specific
4 unilateral measure to close vast areas of fisheries
5 to a single nation's fishermen. So, there is, you
6 know, in my opinion, no analogy to what the United
7 States has done.

8 JOHN GRAVES: Just to redefine that
9 just a little bit more, the EC when they originally
10 did it was not an ICCAT initiative. It was
11 multilateral and there was the EC, and so it wasn't
12 one nation. But I mean the EC and the Gulf of
13 Guinea started --

14 UNIDENTIFIED: (Inaudible.)

15 UNIDENTIFIED: Just to add to that.
16 From the bluefin front there's certainly nothing
17 comparable to what we're doing for the Gulf of
18 Mexico. Certainly on the small fish, first of all,
19 you couldn't show any effective measures that
20 they've taken. The reports are that between 35 and
21 55 percent of their catch in number each year is
22 under the ICCAT minimum size of 6.7 percent.

23 In terms of the spawning area
24 closure, it's designed to -- it's technically

1 targeted only at longline boats that are over 70 --
2 24 meters in length. What it basically does is it
3 provides an opportunity for the small purse seiners
4 and small longliners to target the fish on the
5 spawning grounds. It's not a spawning area closure
6 as we know it. It takes the Japanese out of the
7 fishery.

8 JOSEPH MCBRIDE: Yes, thank you.
9 John, a couple of things you said. First of all, I
10 want to read you something and again I'm no
11 statistician, just see what you think it is. It's
12 an IGFA bulletin here. It says the size of 55
13 percent of eastern Atlantic bluefin tuna are caught
14 is 3.7 pounds? I mean, do you accept that as -- I'm
15 sorry? It says 1.8 kilograms and 3.7 pounds. I'm
16 just using the American -- I mean, do you accept
17 that as a fact or -- it's not -- I mean, is it
18 close, somewhat in that area? Or where did it come
19 from, let's put it that way.

20 JOHN GRAVES: Yeah, I think somewhere
21 around 50 percent of the fish are below the ICCAT
22 minimum size, and I think that's --

23 JOSEPH MCBRIDE: That's quite a bit
24 below the minimum size, if we're using the U.S.

1 minimum size. That's number one.

2 And number two, you mentioned
3 something before that I got the impression upset
4 you, and it certainly upsets our industry for a long
5 period of time, and that's the eight percent rule.
6 Now, how did we come to be the only country with an
7 eight percent angling category rule?

8 JOHN GRAVES: As I understand it from
9 Steve Sloan --

10 JOSEPH MCBRIDE: I mean, did the
11 Japanese make us do it for Pearl Harbor or
12 something?

13 JOHN GRAVES: -- it all has to do
14 with a baloney sandwich. So, I mean, Steve can give
15 you -- that was something that many, many years ago
16 that our commissioners at that time agreed to. And
17 in a closed session. And a lot of the way that
18 ICCAT works is you agree on something before you go
19 to plenary. And so that predates everybody here.
20 And Rich might have a little more insight on it, but
21 Steve Sloan will --

22 JOSEPH MCBRIDE: I'm well aware of
23 the background. I'm just asking you because you
24 seemed to be concerned about the fact it was

1 unilateral and so forth and so on.

2 Secondly, now using that criteria of
3 years ago, when we thought there were an eastern and
4 a western stock, and we were basing that eight
5 percent on the western -- idea of being a western
6 stock, now we've said that -- we've said -- you've
7 said -- the people respond for -- that there's
8 probably a great possibility of a combined stock,
9 eastern and western being one stock, theory.

10 Now, if that be the case, why are we
11 in the west? Why isn't our delegation going back
12 and giving us back at least our traditional 15 to 16
13 percent of the angling category, and restore a
14 fishery to the people of this country using your own
15 logic as to why you did it in the first place?

16 JOHN GRAVES: I'm going to be careful
17 on this one, because I'm sure I'm going to get up to
18 my hips.

19 JOSEPH MCBRIDE: We'll hire you,
20 John. Don't worry about it. You'll be all right.

21 JOHN GRAVES: What my feeling is is
22 we're going in and we're making a big push right now
23 to get a lot of countries to really comply with
24 minimum size.

1 We have a little bit higher ladder or
2 bar than other countries, but it would be
3 inconsistent -- and I think in Glenn's terminology
4 it would undermine our credibility -- if on one hand
5 we're telling them -- you know, you're doing this --
6 this is wrong, you know, we really need to reduce --
7 you know, you have to increase your compliance with
8 minimum size, reduce the juvenile mortality, and
9 then to ask for an increase on ours.

10 What we're looking for and what the
11 bluefin tuna species working group asked for was
12 something that would essentially be resource
13 neutral. It would have the same effect of long-term
14 mortality, but it would just redistribute the size
15 classes into those that are available to more
16 recreational anglers.

17 JOSEPH MCBRIDE: Yeah, John, not to
18 disagree, I'll just throw it out again for whatever
19 it's worth. The 27 inches that we utilize here for
20 the angling category, you could very well say we'll
21 go with 27 inches, and you should go with 27 inches
22 if we're going with 27 inches. I mean, if that's a
23 valid reason to have a 27-inch fish is some sort of
24 conservation of the stock, rather than some internal

1 politics within the United States which I might not
2 know about. But if that's a conservation issue for
3 us, it certainly should be a conservation issue for
4 them and going to a 12 to 14 pound fish from a 3.7
5 pound fish is quite a bit of a jump, I mean, quite a
6 bit of a giveaway from us to give them and not ask
7 them to come up -- I don't want to beat it to death.
8 You get the message, what I'm saying here.

9 MODERATOR CHRISTOPHER ROGERS: Jim
10 Donofrio.

11 JAMES DONOFRIO: Thank you, Mr.
12 Chairman. I was hoping that the 250 fish deal
13 wasn't going to be brought up, but I'm going to tell
14 you I objected to it back then, I object to it now.
15 I think it was a bad deal for the U.S.

16 I want somebody from our -- and
17 Glenn, I'm not blaming you guys, you negotiated what
18 was asked for -- and I want someone from our
19 community to explain to me what we gained -- what we
20 gained, the recreationals -- by boxing us and
21 capping us at 250 fish.

22 And of course the longliners, that's
23 not landings, it's only mortality, no cap on that,
24 no reduction. Tell me where the gain is here. What

1 have we gained by boxing us into 250 fish? I want
2 to know this. Because I can tell you it did not
3 have a consensus on this.

4 UNIDENTIFIED: To that point, the
5 decision made at ICCAT was a U.S. decision by the
6 entire U.S. delegation with the interest of each
7 community represented on the delegation. Whether
8 each and every interest group back home agreed with
9 every point, that's probably not the case on any
10 issue that's ever agreed to, because it's
11 impossible. The delegation represents the U.S.
12 interest.

13 Specific to the point, the 250 fish,
14 as Chris and John have described, came from the
15 numbers reported from the angling community over the
16 years. The numbers were based on catch reports,
17 which were primarily from tournaments, from some of
18 the surveys. I think it's a good example of when
19 anglers are asked to report -- some -- and the Gulf
20 of Mexico, I'll use as an example as Mau does, have
21 readily reported and reported comprehensively over
22 the years. Those numbers were included.

23 If anglers over the years had not
24 reported, then unfortunately there perhaps -- the

1 250 being an average of five years might be lower
2 than what some think had been caught.

3 So, the point I'm trying to make
4 there is that reporting certainly can benefit us.
5 What was the benefit to the U.S. recreational
6 community? It was and still remains that it
7 provided the leverage to our commissioners to
8 negotiate with other countries who do not have a
9 single sport fishing voice on their delegations and
10 could give a rip about these fisheries that are so
11 important to us, both from a fishing standpoint and
12 from an industry standpoint.

13 It gave our commissioners the
14 leverage to turn to other countries and say this is
15 an important measure for us, we in the commercial
16 industry they were saying, have already given up all
17 landings of the fish by U.S. law requiring that, we
18 will look at the average number of fish that are
19 taken by our community and we're asking these
20 countries to reduce their longline landings of these
21 fish that are so important.

22 With that, a lot of arm twisting,
23 giving away swordfish, doing some good old-fashioned
24 Yankee trading, we were able to get those other

1 countries to agree to reducing their landings so
2 that the landings of white marlin would be 67
3 percent less than what they had been, and the blue
4 marlin would be 50 percent.

5 Now, Jim, none of us in the community
6 want to give up any more. Certainly we've led the
7 conservation effort in the offshore fishery. And
8 we're very proud of that and we'll call continue it.
9 However, the number selected was an average based on
10 angler reported data and it also provided a slight
11 buffer so that it was putting in place the status
12 quo.

13 Now, I like to believe that the
14 billfishing community has continued to be a very
15 reputable community, that we've reported our
16 numbers, and if we went out and counted every fish
17 with body tags or any other measure, we still are
18 not going to exceed the 250 fish. You know?

19 And so what we got is a reduction in
20 the international landings by longline boats of
21 those species that are so important to us, and it
22 might prove -- now, while I agree with Glenn, no
23 matter what we do this year at ICCAT, it's not going
24 to save -- you know, us on the ESA issue. However,

1 if we can win some legal arguments on the ESA issue
2 and buy some time, we might be able to get ICCAT,
3 based on the next stock assessment and the data that
4 comes from the measures that were implemented in
5 2001 -- we might be able to have some additional
6 leverage, maybe with some more good old Yankee horse
7 trading on bigeye or other species that are
8 important, to go back and at this year's ICCAT
9 meeting get an additional percent reduction on top
10 of the 67 percent for white marlin.

11 And goodness, you know, maybe then
12 we'll have something like an 87 percent reduction in
13 landings and maybe that will forestall, you know,
14 ESA. Admittedly, we've got some legal maneuvers to
15 do first to try to keep the listing from going in
16 place in September 4th of '03, but we have to do
17 whatever we can to get these other countries to come
18 on board.

19 Now, I think as an angling community
20 we have an obligation internationally to try to get
21 sport fishing fleets, manufacturers, charters,
22 tourist industry in other countries who benefit from
23 the U.S. dollar and the dollar from other anglers
24 worldwide coming into their countries and spending

1 money. We have to do a better job and the State
2 Department has expressed interest in this, as well,
3 into getting those countries to realize they need to
4 include on their delegations angling interests.

5 We go over there and we talk to deaf
6 ears often because they only have government and
7 commercial interests. I mean, it's a paradigm that
8 has to be changed. It's a pounds on deck and we in
9 the recreational community have to do more to change
10 the composition of those delegations so that we
11 aren't having to put just numbers on the table that
12 will keep us at our status quo. Hopefully, they'll
13 reduce the longline bycatch mortality, the fish will
14 recover, and we can actually increase the numbers.

15 If there are any other questions to
16 that point, I'll be happy to address them.

17 MODERATOR CHRISTOPHER ROGERS: I
18 think we need to move on. Again, this wasn't
19 intended to be a repeat of the ICCAT meeting that we
20 had just one month ago here in Silver Spring. And
21 there will be a lot more material to be presented as
22 we get feedback from some of the intercessionals and
23 the assessments that are ongoing this summer, and
24 John will plan on some regional meetings with

1 respect to ICCAT in the fall, prior to the SCRS
2 meeting and the fall ICCAT meeting.

4 HMS OBSERVER ISSUES - Continued

5 MODERATOR CHRISTOPHER ROGERS: Let's
6 just revisit real quickly any of the unasked
7 questions with respect to the observer program. Let
8 me see. Let me resurrect that list. Okay. I had
9 Irby Basco, Shana Beemer, Henry Ansley and Jim
10 Donofrio. And Nelson. We called on you and we cut
11 you off. And you remembered, didn't you? So, let's
12 go to Nelson first off then.

13 NELSON BEIDEMAN: Like an elephant.
14 Well, what I wanted to bring up -- I know a lot of
15 you may not want to hear, but for years and years
16 and years and years I've been in so many very
17 serious discussions that end up with -- that it's a
18 critical thing that we have better reporting and
19 monitoring in the recreational sector. For years
20 this debate has raged, and nothing happens.

21 For two years, we debated measures in
22 the HMS FMP. Measures were agreed upon, placed into
23 the FMP. Those measures were even touted by the
24 agency as what a progressive step forward. We have

1 ICCAT mandates for some of those measures that we've
2 ignored for over five years.

3 Now, three years after the FMP, I'd
4 like to know what's happened with the voluntary
5 logbook program, what's happened with -- more
6 specific to this topic, the voluntary observer
7 program.

8 I also note that the shark --
9 directed shark fishery went from a voluntary program
10 to a mandatory program automatically, automatically,
11 because there were some problems in getting the
12 observers on those boats.

13 We have a mandate from ICCAT for five
14 percent of the vessels targeting bigeye tuna and
15 yellowfin tuna, not for pelagic longlines, but the
16 vessels targeting bigeye and yellowfin tuna and
17 where are we on that mandate? How many charter head
18 boats have been observed according to the final FMP?
19 And what is being done to indeed improve what we've
20 talked about for so many years, the recreational
21 reporting and monitoring?

22 MODERATOR CHRISTOPHER ROGERS: We
23 will be speaking to the logbook issue later on in
24 the program. So, just to finish up observers, we

1 have had offers. Again in the proposed rule to
2 implement the FMP we had considered mandatory
3 observer coverage on all HMS vessels. Given some of
4 the concerns expressed for private recreational
5 vessels and charter boat situations, we opted in the
6 final rule to make that a voluntary program.

7 We have had volunteers.

8 Unfortunately, we haven't had the resources to
9 implement an observer program that would require
10 development of a training protocol, observer log
11 sheets, data recording forms and placement.

12 Although, as Vicky mentioned, that has been one of
13 the priorities for the new moneys under the Atlantic
14 coastal observers spending plan and that that would
15 be hopefully taken up in the coming year with
16 respect to observers implemented sort of as an
17 extension of the Marine Recreational Fishing
18 Statistics Survey.

19 Currently there is a dockside
20 encounter, what they call an intercept, but the idea
21 would be to train those same individuals to
22 basically do that some activity in real time while
23 fishing activity is occurring.

24 We have done that to some extent with

1 respect to directed bluefin trips and yellowfin
2 trips on head boats in the Mid-Atlantic region,
3 where we actually through the contractor for the
4 large pelagic survey have placed an interviewer on
5 board the head boats that are doing those Hudson
6 Canyon trips or some of those nearshore bluefin
7 trips in the fall.

8 So, we have done some things.
9 Obviously not enough, and we've got more to do. But
10 I think as Jill had mentioned yesterday, and I
11 believe David Wilmot this morning, with respect to
12 observer moneys, maybe we need to do a better job of
13 working with the panel on prioritizing, knowing that
14 we don't have enough resources to implement all the
15 data collection programs, all the monitoring
16 programs, that everybody would desire.

17 We have to start prioritizing what's
18 the next step we're going to take towards getting it
19 done. The resources are not unlimited. And it does
20 get a little bit more complicated with respect to
21 HMS with the interactions, so to speak, on the
22 various fleets that are involved in other fisheries.

23 We are certainly sensitive to
24 duplication, particularly with respect to logbooks

1 and other reporting requirements that are required
2 by other fishery management plans. And we're
3 struggling internally to try to get better access to
4 the data from some of these other reporting systems
5 to see to what extent the information is already
6 being collected or to what extent there are gaps
7 that can be covered without starting a brand new
8 program, so to speak. Irby Basco.

9 IRBY BASCO: Thank you, Chris. You
10 answered my question during the lunch break very
11 well. Thank you.

12 MODERATOR CHRISTOPHER ROGERS: Okay.
13 Shana Beemer. Henry Ansley.

14 HENRY ANSLEY: Mine was about the MOA
15 with --

16 MODERATOR CHRISTOPHER ROGERS: With
17 Georgia.

18 HENRY ANSLEY: -- Georgia to
19 supplement the observer, and also some of the
20 problems we had. That was it.

21 MODERATOR CHRISTOPHER ROGERS: Okay.
22 Jim Donofrio, to finish up the observer issues.

23 JAMES DONOFRIO: (Inaudible.)

24 MODERATOR CHRISTOPHER ROGERS: Okay.

1 All right. Are we finished with observers then?

2 Okay. Willie Etheridge.

3 WILLIAM ETHERIDGE: To go along with
4 what Nelson was saying, there's a letter in here
5 that was sent to all the people that have longline
6 permits that my boat has to conform to the Coast
7 Guard, has to get the sticker from the Coast Guard,
8 that would -- if the boat doesn't conform, it would
9 probably involve several days' labor and
10 considerable moneys to make it conform. If the
11 three longline boats that I own, they have a crew of
12 four -- they have four bunks. To build another bunk
13 would involve considerable moneys.

14 To go -- they all are outfitted with
15 a four man life raft. To go to the next style or
16 the next size life raft would involve considerable
17 moneys. And your answer that -- HMS Division's
18 answer for not being able to increase the observer
19 coverage on the recreational fishing industry --
20 charter boat industry is that you don't have the
21 money to do it, and I do not want to cause any harm
22 to my friends in the charter boat industry or the
23 head boat industry, but you can take and single out
24 my industry and make me spend -- for three boats

1 we're talking probably 10 or 20,000 or \$30,000, and
2 if I do not have this money then I have no choice
3 but to tie this boat to the dock.

4 And I know that the 100 or 120 boats
5 that are fishing -- that are actually fishing and
6 trying to make a living doing it, there's a lot of
7 them that just are not going to be able to do that.

8 You know, I remember -- I had a
9 schoolteacher that told me through life I would find
10 out that nothing's fair. And I'm not really trying
11 to look for something that's fair, but maybe not to
12 take everybody's time up here, but on a break or
13 something you could give me five or ten minutes and
14 explain to me how you could just -- you know, just
15 keep putting these hardships on one sector of the
16 fishery and telling us that you can't do it to the
17 other sector of the fishery, when the whole thing
18 was supposed to be based on the fish. You know, I'd
19 just appreciate it if you could take that time.
20 Thank you.

21 MODERATOR CHRISTOPHER ROGERS: Okay.
22 Well, perhaps you and I can talk a bit during the
23 break, but certainly there are a lot of factors with
24 respect to prioritization of money spent on observer

1 programs, whether it's the turtle situation, marine
2 mammal situation, a finfish bycatch situation, and
3 often money is earmarked for dealing with particular
4 problems and that does take a priority. Sometimes
5 it's more the discretion of the agency. So, we'll
6 talk some more about it.

7 I know that some accommodations have
8 been made with respect to bunks in certain
9 situations in the longline fishery, and I know that
10 the folks in the National Observer Program are
11 trying to deal with the life raft issue, as well.
12 Whether they can sort of pre-position a two-person
13 life raft for deployment aboard the vessel at the
14 necessary time. There's some logistical issues
15 there, but I'm trying to say that the agency is not
16 insensitive to the expense and trying to do what we
17 can do to accommodate that issue. Joe McBride.

18 JOSEPH MCBRIDE: (Inaudible.)

19 MODERATOR CHRISTOPHER ROGERS: Can
20 you get the mike?

21 JOSEPH MCBRIDE: For about the last
22 five years Nelson brought up a valid point and I
23 agree with him 100 percent. I'm not going to ask
24 you to do something I don't have to do insofar as I

1 as a charter boat captain, I'm a commercial
2 fishermen making money off the resource. And I
3 volunteered when I fished tuna on day trips two
4 months of the year for yellowfin and longfin, with
5 incidental catches of white, sometimes blue and mahi
6 mahi.

7 So, there's plenty of time -- a time
8 span for you to put an observer aboard at whatever
9 cost it is to get him out to Montauk and we'll be --
10 the Association just to support equity and fairness
11 will support the man for a day if dollars and cents
12 is the issue. I assume somewhere you have a trained
13 person that might want a trip to Montauk. You know,
14 you seem to get them other places occasionally.

15 So, in any case, again, for about the
16 fifth straight year, I'll respond to Nelson's plea,
17 which I think is fair, his request is fair, and
18 you're more than welcome to get on my boat anytime
19 you want. And I can form in the months of August
20 and September for the fisheries you're interested
21 in.

22 MODERATOR CHRISTOPHER ROGERS: Thank
23 you. Okay. How about we finish up shark and then
24 we'll get into our bluefin discussion? We're a

1 little bit still behind on the agenda. Peter and
2 then Jim.

4 SHARK ISSUES - Continued

5 PETER WEISS: I have a silly question
6 -- one of my silly questions. Rusty, all these
7 sharks that you talk about, which I'm very
8 unfamiliar with, are they all eaten? I mean, I eat
9 in a lot of restaurants and I've never seen a shark
10 on -- you know, any kind of a shark on the menu.
11 What do you do with these things? I mean -- and I'm
12 serious. I just have no idea. There are so many
13 sharks and you must sell them to somebody. Are they
14 all eaten?

15 RUSSELL HUDSON: Yes. Basically
16 speaking, since the early '80s when the National
17 Marine Fisheries Service and the Sea Grant people
18 induced us to go ahead and utilize an underutilized
19 resource, sharks, we developed the meat market
20 through the windixies and publicses (phonetic) the
21 various seafood markets, cash and carries, etcetera,
22 nationwide.

23 And we had a very strong market going
24 until about '91, '92, when in the effort of putting

1 the management plan, certain academia decided to
2 play the methyl mercury wrench on us as if it was
3 swordfish and tuna again. And we lost 50 percent of
4 our consumers overnight, basically speaking, at that
5 point in time.

6 Now that we have the management plan
7 on hand, technically the records do not reflect it.
8 We went from 30 to 40 million pounds probably on the
9 kill. That's both directed and incidental,
10 etcetera, down to a managed 2.8 million pounds that
11 is allowed for the quota for the commercial people,
12 and we are still selling it to the windixies and
13 publicses and the various restaurants and seafood
14 markets around the nation.

15 If you want to go to my cousin's
16 restaurant in Ponce Inlet, you'll find shark nuggets
17 have been there since 1984 when I established it
18 through my shrimp boat, taking a bycatch that I
19 catch right there.

20 Numerous other examples. Mako was
21 there for a long time. Black tip came in as a low-
22 cost alternative. Basically, the sand bar was a
23 white meat effort that really got started around
24 '87, and '88, and it all still exists. These

1 markets exist.

2 People want the shark. If it's done
3 right, if you bleed it correctly like Steve Otwell
4 did in his paper -- you know, said in his paper back
5 in the early '80s, you can have a good shelf life of
6 several weeks, if not developing a freezer market
7 for these animals.

8 But you have to bleed them basically
9 alive and to draw as much urea out of the meat as
10 possible so that it doesn't ammoniate. That's one
11 thing that turns people off is that kind of taste.

12 MODERATOR CHRISTOPHER ROGERS: Okay.
13 Jim Donofrio. Rusty, I think you had another
14 comment that was not necessarily that response. Bob
15 Hueter had his hand up before and then Mau Claverie.
16 We're back on shark issues.

17 ROBERT HUETER: Thank you, Mr.
18 Chairman. I heard the term today from the
19 environmental community a few times precautionary
20 approach, precautionary. Now, I know there's a bill
21 out there, Magnuson reauthorization bill, that the
22 enviros are championing, from Congressman Farr,
23 where they have a whole section on the precautionary
24 approach and it's defined in that bill.

1 Now, when they're referring to
2 precautionary here, are they -- I want to know what
3 their definition of precautionary. Are they
4 referring it in the same sense as they want in that
5 bill or is there a different sense of it?

6 MODERATOR CHRISTOPHER ROGERS: I
7 presume that's a question to others who have
8 definitions. I haven't really tracked the
9 reauthorization various proposals to know exactly
10 what the definition is there. I have obviously
11 followed some of the language in the international
12 instruments. But if Dave Wilmot can respond to his
13 view of the precautionary approach, as discussed in
14 this room, please do.

15 DAVID WILMOT: I'll make it simple.
16 We're not going to debate the definition. NMFS has
17 a guideline in place that says that they currently
18 manage under a precautionary approach. That
19 definition that they have outlined in great detail
20 is perfectly acceptable.

21 I don't have to go to the U.N. treaty
22 that entered into force on December 11th, I don't
23 have to go to the Farr bill. It is a policy of the
24 National Marine Fisheries Service. We need to do

1 nothing more than ask them to follow their policy.

2 Now, if Chris wants to go into any
3 detail about what they interpret it as, there are
4 some differences, but it's a policy in place. And
5 we can all pull the memo out, but it's in the FMP.
6 It states very clearly they will manage under a
7 precautionary approach. That's all we mean, guys.
8 A little bit of common sense and caution. Hell, I
9 wouldn't even call it precaution when things are
10 already in such bad shape. It's just a little bit
11 of caution and common sense is usually what I refer
12 to.

13 MODERATOR CHRISTOPHER ROGERS: Okay.
14 Rusty.

15 RUSSELL HUDSON: With regards to the
16 prohibited species issue that I brought up earlier
17 about wanting to de-list the animals that I had
18 spoke about. The dusky shark, I worked with the
19 Narragansett people, I took the information from
20 1963 through 1998 with their help and I was able to
21 show that out of most of the duskies that had mostly
22 been tagged off the Mid-Atlantic part of the United
23 States, the recaptures were 20 percent came from
24 Mexico.

1 Ramon had assisted with a paper
2 around the early '90s, late '80s -- actually, late
3 '80s, that described in the Yucatan at certain times
4 of year sand bar and duskie that are caught by that
5 fleet. And I can bring that paper if we need to.

6 Do we need to wait 20 something years
7 and keep throwing 100,000 pounds or more away each
8 year and then use this bycatch issue that is now
9 getting into lawsuit level against our bottom
10 longline guys to put them out of business? If we're
11 going to talk precautionary, let's be precautionary
12 about the historical communities and their access to
13 the resource, also.

14 Furthermore, with regards to the
15 Caribbean reef shark, how can you wait 20 years to
16 go and try to do an assessment on an animal that's
17 got 2,000 pounds of reported landings on in '99,
18 none reported in the years previous to that. You
19 can't have Jose Castro hardly tell the difference
20 between an Atlantic sharp-nose and a Caribbean
21 sharp-nose, and yet we have a man over here saying
22 that in the Virgin Islands and Puerto Rico they have
23 a dependence on that animal, and yet it's
24 prohibited. And this is just not right.

1 I feel that if you really want to
2 work with us, we want to work with you, we want to
3 be environmentally friendly, we want a sustainable
4 resource and we want a renewable resource, and that
5 can be shark and it has been shark.

6 Basically speaking, it all starts
7 back to the science and if you want to just keep on
8 hanging the target on our back, or if you want to
9 come up with some management measures that protect
10 both the resource and those people that depend on
11 the resource.

12 UNIDENTIFIED: I think Rusty just
13 helped me. Actually, it was this morning and I was
14 actually going to say that I thought Rusty this
15 morning made a number of good points, and I hope
16 that NMFS pays attention to those. Now I still feel
17 the same way, but I just want to say, Rusty, that
18 it's not that there's a target on your back, it's
19 that we're just asking you to be held to the same
20 standards that we are in terms of the information
21 base that -- it's a matter of real numbers and we
22 hope that at the SEW that we can sit down and look
23 at these numbers that you're throwing about -- your
24 memory's a lot better than mine is for these kinds

1 of things. We need to focus on facts and on data
2 and not on stories and recollections.

3 So, that's all that we're asking for.
4 It's not that scientists are going after the
5 commercial fishermen, in a way that's a higher
6 standard than the rest of us.

7 Having said that, the one thing that
8 Rusty alluded to this morning that I would say that
9 I agree with him on, I don't agree with him on the
10 shark attack issue, that's clear. I think that
11 looking at the number of shark attacks as a fishery
12 independent measure of shark abundance, which is if
13 you turn the thing around that's basically what's
14 being said here, is obviously ludicrous.

15 But I do agree that there's room to
16 consider that there have been some significant
17 ecological changes in the shark fauna, in the large
18 coastal fauna. And some of those changes have me a
19 little bit concerned.

20 For example, the bull shark, which
21 has not been targeted in our fisheries, not the
22 commercial fishery. And since Florida has had the
23 severe bag limits for ten years, it's not landed
24 obviously in the recreational fishery to any great

1 extent, and I am concerned that perhaps bull sharks
2 have been left alone for a long period of time and
3 that they may be doing fairly well. This is
4 strictly a scientific hunch. We're starting to
5 gather data to look at this.

6 But if we do have bull sharks
7 recovering faster than some of these other stocks,
8 for whatever reason, ecologically or food or
9 whatever, then I am concerned that we're going to
10 have some higher proportion of serious shark attacks
11 in the coming years.

12 And I would say that those of you
13 from the southeast states, keep an eye on this.
14 Right now we have very few of these in the United
15 States, but I'm watching this.

16 So, Rusty, it's not that -- and the
17 rest of the group, it's not that the scientific
18 minds are closed to new information from the
19 fishermen or to new data. It's just that we want to
20 hold you to the same standard that you hold us in
21 terms of evaluating what's happening out there.

22 RUSSELL HUDSON: Basically, I wasn't
23 trying to use the shark attack as a way or as an
24 alternative to designating what kind of shark

1 populations that we have. I made some points as to
2 why the increase of both prey and predator nearshore
3 has gone on.

4 I've seen this bull shark argument
5 and I will say it is basically bull. Because of the
6 reality that those animals have existed and have a
7 time -- a life history characteristic, I guess, that
8 doesn't make them appear overnight like that.

9 Yes, we have targeted bulls, but in
10 the State of Florida we're not allowed to fish in
11 state waters. And it's just like the big duskies.
12 If you want to find duskies and bull sharks, you
13 need to get into the state waters in certain areas
14 at certain times. And you will find these animals.

15 But as far as the effort of working
16 with everybody, it's like George Burgess running our
17 observer program. I have record of him not wanting
18 our commercial fishery to exist. How can you enjoy
19 having the fox in charge of the hen house that
20 doesn't want the hen house there anymore? And this
21 is a situation I've told George right to his face
22 that this isn't right. He needs to work with us,
23 not against us.

24 And we are trying to work with you.

1 The facts are that we have been downsized nearly 85
2 percent from the reality of our economics, and that
3 comes back to the fact that you can use us as an
4 example worldwide to try to figure out how to best
5 manage these highly migratory animals that we share
6 with Mexico, Cuba, Canada, whatever.

7 UNIDENTIFIED: Thank you. I had
8 three things on my list. Two of them were response
9 to Margo.

10 UNIDENTIFIED: (Inaudible.)

11 UNIDENTIFIED: Glenn left, and he's
12 the only one that was wearing alligator shoes and
13 underwear today. Margo mentioned something about
14 shark bycatch in the Florida west coast, which is
15 the East Gulf shrimp fishery, which I assume is
16 shrimp trawls. And so I phoned staff at the Gulf
17 Council and not everybody was there that would know
18 everything about it, but the one I did get said we
19 are doing an amendment, Amendment 10 to the Shrimp
20 Plan, which basically is to extend bycatch reduction
21 devices use in shrimp nets east of the panhandle of
22 Florida. Right now it's only west because we were
23 dealing when we did it with snapper bycatch and now
24 we have to deal with all kinds of bycatch because of

1 the amendment.

2 One of the things that's bycaught,
3 apparently, is sharks. But when you're dealing with
4 shrimp nets, if the shark gets into -- if a fish
5 gets into and out of the net, even though it's okay,
6 it's counted as quote, bycatch, i.e. the baby
7 snapper that get in the nets and get out through the
8 new holes we put in the nets are called bycatch,
9 even though they're swimming away just as happy as
10 before.

11 But I was told that with sharks, the
12 assumption is that it must be smaller sharks that
13 they're talking about as bycatch in the nets. And
14 unless they're so small that they can get through
15 the turtle exclusion device, the TED, most of them
16 are knocked out of the net unharmed through the
17 turtle excluder device.

18 So, for medium sized sharks up to as
19 big around as a big turtle, which is what, 50 or
20 something inches, the turtle excluder device does
21 exclude it. But if she's talking about something
22 about -- you know, really juvenile sharks that would
23 get through the bars and the turtle excluder device,
24 we need to address that as I understand, even though

1 it's a -- it's one of your fish and not one of the
2 Council fish, wouldn't we still have to address that
3 as bycatch under the Act is what I was asking.

4 MODERATOR CHRISTOPHER ROGERS: Yes,
5 and what Margo had referred to was that the
6 information -- available information on shark
7 bycatch in that fishery would be included in the
8 stock assessment.

9 UNIDENTIFIED: Okay. Well, I asked
10 staff to get in touch with George Burgess and get
11 what he's got if we don't already have it. We may
12 already have it.

13 The other thing is sharks on display
14 in aquariums around the Gulf of Mexico. If a
15 shark's on display, is there a permit that's a
16 federal permit that's required? What's she talking
17 about?

18 MODERATOR CHRISTOPHER ROGERS: It was
19 a permit to collect sharks from federal waters for
20 the purposes of public display. If you recall, in
21 the FMP we apportioned a part of the commercial
22 shark quota for that --

23 UNIDENTIFIED: That's the answer I
24 need to give my comment. I checked with my aquarium

1 contact and there are three major aquariums and some
2 other smaller aquariums in the Gulf area, in the
3 states bordering on the Gulf, so to speak, and there
4 are sharks on display.

5 And I can think of three of them.
6 There's one -- where, Randy, in San Antonio?
7 There's one in Texas. I think it's San Antonio.
8 There's one in New Orleans. And there's one in
9 Tampa. Then there are some other ones. There's a
10 small one I know of in Orange Beach. And I think
11 they have sharks. I've been there and looked at it.
12 I just don't remember what all was in it.

13 But anyhow, I talked to one of those
14 aquariums, my contact, and those sharks that are in
15 there were taken with the permits, be they state or
16 federal, whatever they were, but most of them were
17 taken on the east coast of Florida and on up. So,
18 you wouldn't know that it's going to be displayed --
19 or you do know or something that it's going to be
20 displayed in the Gulf Coast area. So, that's the
21 answer to Margo's question, if you can relay to her.

22 And the other thing is aren't we in
23 the process of reviewing the shark science, or has
24 that been done?

1 MODERATOR CHRISTOPHER ROGERS: That's
2 the shark evaluation workshop that is planned for
3 hopefully sometime in June, the end of June, and we
4 will get the hard quota dates as soon as available
5 out to the panel members.

6 UNIDENTIFIED: All right. When -- I
7 think it was '87 or '88 -- no, it might have been
8 later than that. It was near the end of the last
9 century, put it that way, and the Council Chairman
10 asked me as Chairman of the Highly Migratory
11 Committee to attend a science committee meeting in
12 Tampa. And I don't usually do that, because I think
13 the scientists ought to be left alone to make their
14 sausage like they're going to make it without
15 managers breathing down their throats.

16 But anyhow, so I went and it was
17 about sharks. It was a shark -- the Gulf Council
18 Shark Scientific Committee and they had a bunch of
19 scientists there. Rusty was there. And I was
20 absolutely flabbergasted because two of the
21 scientists there -- there had been this other
22 assessment made and many of the scientists who were
23 here were in on the making of that assessment. And
24 what I learned was that the data that was input into

1 the assessment should not have been used for that
2 purpose. And the scientists who participated in the
3 assessment said, when they were at the assessment,
4 they were asked to take certain information and run
5 it a certain way on their computer under a certain
6 program or whatever they do, and there was no
7 discussion or input on whether that data should be
8 used. It was just use it and come up with an
9 answer. And that's what they had done.

10 And there was a lot of argument about
11 whether or not the data was or was not suitable for
12 the use to which it had been put in this assessment,
13 and the answer was I'm the guy who gathered that
14 data, I know why that data was gathered, the purpose
15 that it was used for, it was not this, and it was
16 not intended to be used in this fashion. And
17 therefore it's suspect.

18 And so I hope when you review all
19 this that you also go back to the data source and
20 review its purpose and whether or not it's
21 appropriate to be used in the way in which it was
22 used. Have I said that right, Rusty? Okay.

23 I was flabbergasted at that, that
24 those guys sat there and didn't say whoa, I

1 shouldn't be doing this. They said we were told to
2 do it and not complain, basically.

3 UNIDENTIFIED: (Inaudible.)

4 UNIDENTIFIED: Something. It was a
5 hot meeting. It was a hot meeting. It was the only
6 one I've been to, so I don't know if that's typical
7 or not, but it got pretty exciting. So, I hope that
8 that's accomplished and everybody knows that it was
9 accomplished, or else you're still going to get
10 complaining.

11 MODERATOR CHRISTOPHER ROGERS: Well,
12 for those who were following the peer review of the
13 '98 stock assessment and we did post them -- the
14 peer reviews on our Web site, that was one of the
15 comments on the part of the peer reviews, the
16 appropriateness of the data series used and the
17 appropriateness of the models that were used, given
18 the nature of the data. And the folks convening the
19 upcoming assessment are very keen on addressing
20 those comments of those peer reviewers. In fact,
21 they are working on that now as sort of preparation
22 for the assessment, to make sure that the concerns
23 expressed by those peer reviewers are met at this
24 upcoming assessment.

1 UNIDENTIFIED: Since this was a Gulf
2 Council situation and not a big NMFS situation, it
3 might not -- I don't know if there's a report of
4 this within your peer review system or not, with
5 this occurrence, but I know it was pretty hot about
6 the use of that data.

7 MODERATOR CHRISTOPHER ROGERS: Okay.
8 One final comment by Ramon. And then Glen Hopkins.
9 How is that? And then we'll call the question on
10 sharks and get on with bluefin tuna.

11 RAMON BONFIL: Thanks, Chris. Just
12 in answer to Rusty's comment, yes, I did prepare a
13 review of the tagging data from the people in
14 Narragansett, which is included in that paper that
15 you mentioned, Rusty. Unfortunately, I don't have
16 the numbers here. I didn't come with all my -- the
17 papers I have written. I doubt recalling what
18 you're citing as 20 percent. I might be wrong.
19 That's not the point. The point I was trying to
20 make, and I will try to rephrase it now, black tips,
21 which is the species we were talking about, haven't
22 shown to move from U.S. waters into Mexico. What I
23 was saying is we have to look carefully at those
24 data. It is nowhere near 20 percent recapture for

1 black tips. You're citing duskies. I was talking
2 black tips. The numbers don't really matter.

3 What I'm trying to say is that we
4 have to look at the whole picture. And when you're
5 only tagging sharks in U.S. waters, you're certainly
6 going to recover a few in Mexican waters. We have
7 to tag all those in Mexican waters, see they're
8 going to U.S. waters and what is the exchange rate
9 between the two countries. That's what I was trying
10 to say.

11 The other thing that you misquoted
12 me, I never said that we have to wait 21 years to
13 explore Caribbean sharp-nosed sharks. When I called
14 21 years, I was talking about dusky sharks, and
15 you're mixing it with Caribbean sharp-nosed sharks.

16 What I said about Caribbean sharp-
17 nosed sharks is the first thing we have to do if we
18 want to explore that resource is get a good
19 indication of what is the abundance and what is the
20 maximum sustainable yield. That could be done in
21 one years or two years, depending how much money you
22 put into research for the other species.

23 So, don't misquote me. I never said
24 we have to wait 21 years to start exploring

1 Caribbean reef sharks. And I never said that the
2 rate of exchange between duskies is the same as the
3 rate of exchange between black tip sharks. That's
4 all I wanted to clarify.

5 GLEN HOPKINS: (Inaudible) -- small
6 set-aside for the dusky sharks. I feel like you're
7 going to get better information. I'm not saying
8 open it back up widely to dusky sharks, but for
9 those that we encounter, I think there should be a
10 small set-aside so that information can be known and
11 if we got dead meat reported, it's good numbers.
12 That's all.

13 MODERATOR CHRISTOPHER ROGERS: Okay.
14 Just to reiterate, the issue of prohibited species
15 and what species belong on that list will be
16 addressed at the Shark Evaluation Workshop.

17 JOHN GRAVES: Chris, could I make
18 just a quick announcement, that I've put about 20
19 some copies of the blue shark paper that I referred
20 to earlier today out on the table here.

21 MODERATOR CHRISTOPHER ROGERS: Okay.
22 So, there's about 20 copies and about 30 people, so
23 you better get off quickly to the table. I don't
24 know if there are any of the observer program

1 refrigerator magnets left, either. Ten second
2 clarification.

3 RUSSELL HUDSON: Ramon, I wasn't
4 referring to any tagging information that you had
5 given. You had helped do an outline of what the
6 fishery was like for the Mid-Atlantic Council's
7 effort back in '89 that was quoted on the duskies
8 and the sand bars being there in the Yucatan.

9 But with regards to the tagging
10 recapture, that was stuff I worked out through Nancy
11 Kohler and Lisa Natenson and the APEX people, and I
12 took '63 through '98 and of the recaptures of
13 duskies, 20 percent of them were recaptured and
14 returned by Mexico. And I'm sorry about sort of
15 including the thought of the 20 something years from
16 dusky when you faded right into Caribbean, but I
17 know that Caribbean doesn't take that long to grow.

18 MODERATOR CHRISTOPHER ROGERS: Okay.
19 Thank you, all. Let's stick to the agenda for once
20 and have a break at 3 o'clock here. How about we
21 cut it down to 15 minutes from the scheduled 20
22 minutes, and get right on into bluefin.

23 [BREAK.]
24

1 MODERATOR CHRISTOPHER ROGERS: All
2 right. We're a little bit behind in our agenda. We
3 were supposed to start on bluefin tuna at 1:30. Here
4 it is coming on 3:30. We had several issues. But
5 before we jump into bluefin tuna, while you're still
6 enjoying your sodas and cookies, just one issue of
7 clarification.

8 A question had come up on the
9 observer with respect to enforcement of certain
10 Coast Guard regulations, and Dave Hoover is our
11 Coast Guard liaison for enforcement and he just
12 wanted to clarify that one issue real quick.

13 DAVE HOOVER: Good afternoon. For
14 the folks I haven't met yet, I'm the Coast Guard
15 liaison at the Enforcement Office here in Silver
16 Springs for NMFS.

17 And there was a question on the break
18 that was floated regarding observers on charter
19 boats and if you embark an observer does the -- in
20 terms of the six pack charter boat, will the
21 observer be counted towards one of the six
22 passengers for hire, and I just confirmed that with
23 our headquarters staff, who is in charge of those
24 matters, and the observer would be just like -- be

1 counted towards -- similar to a crew member, but it
2 would not be one of the passengers for hire. So,
3 embarking them you're not going to lose one of your
4 six. So, for those who that's an issue, I just
5 wanted to put that out as a clarification.

6 MODERATOR CHRISTOPHER ROGERS: To
7 that point, Mau?

8 MAUMUS CLAVERIE: Yeah, does that
9 apply also for larger capacity vessels than the six
10 pack?

11 DAVE HOOVER: Yes, (inaudible).

12 MODERATOR CHRISTOPHER ROGERS: Okay.
13 So when I show up at the dock for all those charter
14 boat and head boat operators, you don't have to kick
15 off one of your paying passengers to embark me.

16

17 BLUEFIN TUNA ISSUES

18 MODERATOR CHRISTOPHER ROGERS: Okay.
19 Bluefin tuna. I have several issues that we wanted
20 to discuss and I have a couple of presentations.
21 One of the issues that had already been mentioned
22 earlier during this meeting was a discussion we had
23 at last year's meeting with respect to incidental
24 catch of bluefin tuna by the longline fleet.

1 For those new members or those not
2 familiar with the issue, back in 1981, when ICCAT
3 first implemented or recommended its scientific
4 monitoring quota, folks at the Southeast Fisheries
5 Science Center came up with a scientific monitoring
6 plan that basically allocated the bluefin tuna
7 available for capture under the scientific
8 monitoring program by U.S. vessels to the various
9 fishing categories that had been participating in
10 the fishery up to that point in time throughout the
11 '60s and '70s.

12 And given the fact that at that time
13 there was no directed longline fishery for bluefin
14 tuna, the scientific monitoring plan envisioned that
15 there would be some quota reserved to cover
16 incidental catch by longline vessels, obviously
17 targeting yellowfin, bigeye and swordfish.

18 Over the years, throughout the '80s
19 and '90s, there have been several revisions to those
20 regulations to allow bluefin tuna to be landed by
21 longline vessels consistent with an incidental catch
22 management philosophy. And that has not been an
23 exact science by any means, trying to manage a
24 bycatch fishery to a strict quota. And there have

1 been a lot of issues with respect to continuing of
2 dead discards by the longline fleet. In fact, that
3 was incorporated into the 1998 ICCAT recommended
4 bluefin tuna rebuilding plan.

5 So, clearly there is an incentive,
6 not only an incentive, but a requirement under
7 Magnuson as well as consistent with the ICCAT
8 rebuilding plan for bluefin tuna to reduce dead
9 discards and to afford the pelagic longline fishery
10 the ability to land the quota that has been
11 allocated to that sector for the purpose of
12 incidental catch, which has been on the order of
13 about 120 metric tons in recent years.

14 Given the discussion at last year's
15 Advisory Panel meeting, we have been working on
16 several analyses of tweaking the system, so to
17 speak, trying to achieve that balance point between
18 not exceeding the quota and reducing dead discards
19 simultaneously.

20 Certainly if we pulled the
21 restrictive measures off on target catch
22 requirements, we could certainly land the quota.
23 That would be easy to do. But then once it's closed
24 you would just be having increased discards at the

1 tail end of the fishing season.

2 So, it is a balance point that we
3 were trying to achieve. We have done some analyses.
4 I had actually hoped prior to this point in time to
5 have actually issued a proposed rule on the subject.
6 It should be coming shortly.

7 But we have completed the analyses
8 and we thought we'd present them as a preview to
9 what will be coming out shortly with respect to the
10 data that we use and the analytical methods that we
11 used, and you can see what our thinking was in
12 trying to deal with this issue.

13 So, Pat Cheeta from our Gloucester
14 office has worked long and hard on these analyses
15 and always quick to address my comments and concerns
16 and the new alternatives I would present to him
17 after looking at what he's done. So, he's going to
18 take it away.

19 What we'll do is we'll do this
20 presentation and then we'll discuss this issue
21 before we get onto other bluefin tuna issues. So,
22 we'll just sort of finish up with this topic.

23 PAT CHEETA: Thanks, Chris. There
24 was a -- some handouts that were on the back table.

1 I don't know if everyone got them. I have some
2 additional copies here. We could pass them around
3 both ways here. They're just overheads of what I'm
4 going to go through.

5 Okay. There's going to be -- I'm
6 going to try and -- I mean, Chris went through very
7 briefly some of the regulatory history and I'll
8 touch on that a little bit as well as on some of the
9 current regulations, present some bluefin discard
10 and landings data from the pelagic longline fishery,
11 and we'll go over some of the recent analyses that
12 we've done for the upcoming proposed rule.

13 Okay. Here are the current target
14 catch requirements in the northern area, north of 34
15 degrees, which is in southern North Carolina, around
16 Cape Fear. The bluefin landed could not exceed two
17 percent by weight of all the other fish landed. So,
18 for example, if a vessel has a 200 pound bluefin on
19 board, it has to have 10,000 pounds of other catch
20 on board in order to land that bluefin.

21 In the southern area, which includes
22 the Gulf of Mexico, it's not based on a percentage.
23 It's one bluefin per vessel per trip, and it's 3500
24 pounds for May through December of other fish

1 landed, and in January through April it's 1500 pound
2 target catch requirement. So, those are the current
3 regulations for bluefin retention by longline
4 vessels.

5 And we also have an area in the Mid-
6 Atlantic that's closed during the month of June to
7 pelagic longlining, to minimize bluefin discards,
8 and that's been in place since the HMS FMP in 1999.

9 Some of the regulatory history that
10 Chris touched on, basically the target catch
11 requirements in the north have not changed much
12 since over the last 20 years. The target catch
13 requirements in the south haven't been addressed
14 since '94, where we modified them slightly and I
15 believe moved the line a little bit.

16 There has been an ICCAT ban on
17 directed bluefin fishing in the Gulf of Mexico since
18 1982. And we've had continued ICCAT recommendations
19 to minimize dead discards of bluefin tuna.

20 UNIDENTIFIED: (Inaudible.)

21 PAT CHEETA: From two fish to one?
22 That might have even been before that, but there
23 have been more changes in the southern area than in
24 the northern area.

1 The objectives of current and past
2 regulations have been to implement the ICCAT
3 recommendation on bluefin fishing in the Gulf of
4 Mexico and as Chris touched on, to prevent a bluefin
5 longline fishery from developing and to implement
6 the ICCAT recommendations to minimize dead discards.

7 This is a table with some recent
8 bluefin landings and dead discard estimates by area,
9 in metric tons, and we have the metric tons and then
10 the numbers of fish in parentheses. One thing
11 that's of note here, we'll discuss for a little bit,
12 is how the discards have been lower in the northwest
13 Atlantic in recent years, in '99 and 2000, compared
14 to '98 and '97. And again, these are from logbook
15 tallies. So, just reported on logbooks by the
16 vessels themselves. They've been lower in the
17 Northwest Atlantic but in 2000, we see a -- even in
18 '99 we see an increase in the Gulf of Mexico in
19 discards and then again in 2000 for a total of 67
20 metric tons of dead discards for U.S. in 2000.

21 We also see in '99 and 2000 an
22 increase in landings in the Gulf of Mexico compared
23 with the previous two years, and we see that that
24 number has gone down again in 2001, at least the

1 landings number. We don't have the logbook tallies
2 for dead discards for 2001 as of yet. So, I'm not
3 sure what they're going to reflect, but my guess is
4 that with the lower landings you'll see lower
5 discards there, although that's not from looking at
6 any of the data myself.

7 Mau asked if we have tallies of live
8 discards, as well, and they do. In the logbook, you
9 know, they report bluefin kept, bluefin retained,
10 bluefin discarded. And I don't have those figures
11 right in front of me now, but -- generally, the
12 total number I think in 2000 was about 1,000 bluefin
13 retained or caught total.

14 So, after you subtract out those that
15 have been landed, those that have been discarded
16 dead, and you have the remainder that have been
17 discarded alive. Slightly less than 1,000. I think
18 maybe 900. In 2000.

19 Going onto the next slide, some of
20 the goals of revising target catch requirements, any
21 change to the regulations we need to balance, as
22 Chris said, the requirements to minimize dead
23 discards. We like to minimize any negative impacts
24 to the target fishery and the fishery participants.

1 We want to avoid creating an incentive to target
2 bluefin, if we allow more bluefin to be retained.

3 We do not want to create an incentive to target
4 bluefin. And we would like to have the regulations
5 consistent with effective enforcement. Next slide.

6 Some consequences, again, and if we
7 allow some additional bluefin to be retained, you
8 know, if all things stay the same we have a matching
9 decrease in discards. But at the same time, you can
10 add some incentive to create some more -- some
11 additional effort on bluefin by longlines, so which
12 could also result in additional discards. So, you
13 have -- there's a bit of a balancing act that we
14 have to try to achieve.

15 And changing some of the target catch
16 requirements, especially with regards to the
17 percentage in the northern area could allow for more
18 effective enforcement.

19 We discussed this, as Chris
20 mentioned, at the 2001 AP meeting. There was
21 general support of the Fisheries Service continuing
22 its analyses and pursuing the issuance of a proposed
23 rule. We discussed various alternatives in terms of
24 keeping the bluefin that can be retained, in terms

1 of a percentage. We talked about making it -- a
2 number of bluefin, similar to how it is in the south
3 coastwide. We talked about moving the dividing line
4 at 34 degrees currently.

5 And some other conclusions or points
6 that came out of the discussion, once again, any
7 adjustment must achieve balance. And again, we want
8 to allow retention of incidentally caught fish while
9 preventing a directed fishery and reducing discards.

10 One of the things were heard at the
11 meeting was that a retention limit in terms of
12 number of fish is easier to enforce than a
13 percentage as we have in the north, and in
14 discussing moving the north/south line, the division
15 line, if it's moved, it was generally thought that
16 it should be moved south, not north.

17 Some of the options that we've been
18 looking at, obviously you're comparing everything to
19 the status quo. We could adjust the target catch
20 requirements just in the north, while maintaining
21 the current situation and the seasonal variation in
22 the south. We could implement something coastwide.
23 We could obviously adjust the target catch
24 requirements in the south. We could move the south.

1 So, there's a number of different
2 alternatives that all are integrated. So, when you
3 start to pile them onto one another, it creates a
4 little bit of a confusing matrix, which we'll get to
5 in a little bit.

6 Some of the analyses that we've done
7 in preparation for this proposed rule, we've updated
8 landings data that we've been using, landings and
9 catch data come from the dealer weighout and vessel
10 logbooks. And we've used '98 to 2000 data. And we
11 have observer data from '98 to 2000, as well.

12 Again, the goal in these analyses to
13 estimate the impacts on bluefin discards and
14 landings resulting from any changes in the target
15 catch requirements.

16 Here's a graph showing some recent
17 longline landings data, and this is similar to what
18 we showed last year. This incorporates some more
19 recent data. Let me see how best to explain this.
20 It could be a little confusing.

21 We have the average trips, so this is
22 total landings other than bluefin tuna, and those
23 are the red bars in the screen. So, say for the
24 northern area, year-round, we have in different time

1 periods in the north, different time periods in the
2 south, as well as year-round. Year-round in the
3 north, the average landings per trip is about 6700
4 pounds.

5 Now, the median, meaning that half
6 the trips land more than that and half the trips
7 land less, is more like 3800 pounds. And this is
8 year-round in the north. And then the 75th
9 percentile, and we've used that to mean that 75
10 percent of the trips land at least this much. In
11 the northern area year-round is -- let me see if I
12 can get -- here, at about again 1700 pounds per
13 trip. So, 75 percent of the trips are landing at
14 least that much.

15 And then for the south we have
16 similar average levels, median, and 75th percentile
17 figures presented for the January through April, May
18 through December, and then year-round.

19 The yellow triangles that we have
20 show similar data points for when -- for '91 through
21 1994 data. And I put those on there because one of
22 the things that we've -- that seems to be different
23 in the landings is that in '91 through '94 there was
24 much more of a seasonal variation in the southern

1 area, where January through April you had a median
2 level of about 1500 pounds per trip, and May through
3 December, what's that, about 3500 pounds per trip.
4 And now we see that they're much closer. There
5 doesn't seem to be as much seasonality in the
6 southern area.

7 Another thing that we could -- is
8 looking at the year-round numbers for the north and
9 the year-round numbers for the south, they're not --
10 at least for the median trip level landings, they're
11 not too different. For the median and the 75th
12 percentile levels, the year-round in the north and
13 year-round in the south are not very different.

14 So, we can keep that in mind as we go
15 forward. And again, I'll take questions on some of
16 these charts as we -- when I'm done with the
17 presentation.

18 Some observer data from covering '98
19 through 2000 of pelagic longline trips that have
20 been observed. And this shows the number of bluefin
21 caught on observed trips, and there's four -- this
22 is four trips that -- on which bluefin were actually
23 caught. So, on observed trips, where they caught a
24 bluefin, 32 percent of the time they caught only

1 one. 25 percent of the time two bluefin were
2 caught. Ten percent of the time three bluefin were
3 caught.

4 So, for -- we have about -- I think
5 it's 57 or it's close to 58 percent of the trips in
6 which bluefin were caught that were observed, two or
7 less bluefin were caught. And this is just caught.
8 They could have been let go or kept. It's not
9 whether they were discarded dead or not. This is
10 just caught.

11 Now, for -- if you look at overall
12 observed pelagic longline trips, on about 90 percent
13 of the trips two or less bluefin were caught. So,
14 on the vast majority of pelagic longline trips that
15 were observed, two or less bluefin were caught.

16 UNIDENTIFIED: (Inaudible.)

17 PAT CHEETA: Right. And because
18 these are on trips where bluefin were caught, not
19 total observed pelagic longline trips. I should
20 have had that in the title there.

21 MODERATOR CHRISTOPHER ROGERS: So,
22 the 90 percent figure wouldn't include those trips
23 in which no bluefin were encountered.

24 PAT CHEETA: Okay. Now, in some of

1 the analyses that we've done -- can I walk through
2 some of the methods that we used. And again, I
3 imagine there'll be some questions, but it's
4 relatively simple, conceptually, what we tried to
5 do. We tried to -- we took the number of trips,
6 pelagic longline trips, and we get this from -- you
7 know, from our weighout logbook data. And we
8 multiply that by the percentage of trips that
9 interact with bluefin. And we took that from the
10 observer data. So -- and I'll go through an
11 example.

12 And from multiplying that, from the
13 number of trips times the percentage, you can get an
14 estimation of the number of bluefin caught. Then
15 you can -- we've multiplied that by a percentage of
16 the trips that could actually retain a bluefin,
17 based on our regulations. And you multiply that,
18 and again, that's from weighout and logbook data and
19 you get a number of trips that actually could retain
20 bluefin.

21 Now, we'll walk through an example
22 here, so you'll see it a little bit better. This is
23 an example using status quo regulations in the
24 northern area. And this is including landings from

1 North Carolina north.

2 Average number of trips, over in the
3 northern area per year, has been about 650. You
4 multiply that by the percentage of trips that caught
5 one bluefin in -- that caught one bluefin through
6 observer data, 20 percent. And that comes to 132
7 bluefin caught.

8 Now, you need to know how many of
9 those were actually -- could be landed. Now, in the
10 northern area, in order to keep one bluefin tuna as
11 we discussed with the two percent limit, we used an
12 estimate that the vessel would have to have landed
13 10,000 pounds on that trip.

14 So, we took the weighout data and
15 looked and saw how many trips landed 10,000 pounds
16 or more. And that's 20 percent of those trips in
17 the northern area landed 10,000 pounds or more. So,
18 655 times 32, times 20.2 percent, times 20 percent,
19 and you get 26 trips in the northern area that could
20 land one bluefin. Now, in the northern area --

21 UNIDENTIFIED: That weighed 200
22 pounds.

23 PAT CHEETA: That weighed 200 pounds.

24 UNIDENTIFIED: Do you have a figure

1 on the average bluefin that was landed? It's
2 certainly way higher than 200 pounds.

3 PAT CHEETA: Yeah, we have that,
4 because when we -- let me just get through a little
5 bit. There's lots of variables in here and we'll
6 talk through them a little bit. So, again, this was
7 26 -- 26 trips that could retain a bluefin, that was
8 200 pounds.

9 Now, in the northern area we have the
10 regulation that is just a percentage. It's not --
11 if the trip was big enough and it had 20,000 pounds,
12 it could land let's say two fish. 30,000 pounds
13 could land three fish. Etcetera.

14 So, you have to go through this
15 iteration again for using information from the
16 observer data on how many trips landed or catch two
17 bluefin. And then looking at the weighout data to
18 see how many trips landed 20,000 pounds, to see if
19 they could keep a second bluefin.

20 So, you go through this iteration
21 again, 655, 13.6 percent of the observed trips catch
22 two bluefin. That results in an additional 89
23 bluefin being caught, in addition to the 132 single
24 fish.

1 So, when you get a percentage of
2 trips from the weighout data that could keep two
3 bluefin, that's 20,000 pounds we used there. 5.9
4 percent of the trips were that. And the number of
5 trips that could retain two bluefin in the northern
6 area on an annual basis is five. And that matches
7 up somewhat well with what we see in the landings
8 data, that -- you know, every year there's a couple
9 of trips that land -- that retain multiple bluefin.

10 You do this another iteration and you
11 get another two fish and so under this -- under the
12 status quo, you have an estimate of 33 bluefin that
13 could be retained.

14 Now, if you're going through this and
15 looking just at the bluefin that are caught, you get
16 the 132, 89, plus another 56, and you get 270
17 bluefin that are caught, and that's just multiplying
18 the number of trips times the percentage of trips
19 that catch certain numbers of bluefin. And you get
20 277 bluefin that are caught, minus the 33 that can
21 be retained, and an estimate of 244 discarded in the
22 northern area.

23 Now, this is how we approach the
24 various alternatives. In the southern area, for the

1 status quo, you don't have this ability of vessels
2 to keep multiple bluefin, but you have a seasonal
3 variation, so you have to do all your estimates
4 based on the seasons. And when you do that, you
5 wind up with 770 bluefin caught, 211 that could be
6 landed, and 559 discarded.

7 Through this estimation, we get about
8 just over 1,000 bluefin I think -- I guess 770 and
9 what was it, 277, caught, so I think that's 1,047,
10 and based on logbook tallies of on the average of
11 about 1,000 fish a year, it seems to be pretty close
12 to what is being reported through the logbooks.

13 Now, these are some of the
14 alternatives that we looked at and that we analyzed
15 in a manner that I just described. On top, we have
16 the status quo, which is actual landings from 2000,
17 broken down by the north, south and then summed for
18 a total.

19 The second row is the status quo
20 regulations, analyzed, as I just presented, shows
21 the numbers that I just had, 33 bluefin landed in
22 the north, 211 in the south. If you notice, the
23 southern numbers match almost exactly with what --
24 match exactly with what we actually landed in 2000.

1 Then the next alternative is making
2 -- changing the northern limits to 3500 and making
3 it 3500 in all areas, and then retaining the
4 seasonal difference in the south of 1500 pounds for
5 January through April. The following alternative is
6 making it 3500 pounds for one bluefin to be
7 retained, 6,000 pounds for a second bluefin to be
8 retained, and -- in all areas, including the south,
9 and then dropping down to 1500 pounds to keep one
10 bluefin in the south during January and April.

11 The next two alternatives put in
12 similar target catch requirements in all areas. So,
13 they don't have a differentiation between the north
14 and the south or any seasonality. And that's 2,000
15 pounds per trip to keep one; 6,000 pounds to keep
16 two; and then a final alternative is 1500 pounds for
17 one, 6,000 for the second.

18 And we show bluefin landed, bluefin
19 discarded, the percent change in discards from the
20 estimated and the status quo, metric ton landed,
21 metric tons landed, percent change in actual
22 landings, and whether or not we'd be within our
23 longline quota, which in the northern area is again
24 based on percent of the overall U.S. landings but is

1 about 24 tons in the north, 88 tons in the south,
2 112 total.

3 And for the -- let me see. Let's go
4 to the 3500 for one fish in all areas, the third row
5 down, we see we have a -- you know, somewhat small
6 change in the amount of fish discarded, 4.9 percent
7 reduction, and you get a 5.2 reduction -- increase
8 in the tonnage landed. And we're within our
9 subquotas and overall quota. For the following
10 alternative, where we go to 3500 and 6,000 for two
11 fish, we have about a 17 percent reduction in
12 discards, which in turn is a 41 percent increase in
13 landings for where we go to 2,000 and 6,000 in all
14 areas, we go to about 23 and a half percent, 24
15 percent reduction in discards. And we start to get
16 a little closer to our quota of -- the estimated
17 landings there are, you know, 101 tons and our quota
18 is 112. So, we start to get close to our overall
19 longline quota and actually go over the northern
20 subquota by a few tons. And on this final
21 alternative, we're getting very close to our overall
22 incidental catch quota.

23 Now, I'm going to move on and talk
24 about what we looked at next when we saw some of

1 this -- and what we're seeing. Looking at the data,
2 there's some justification for moving the
3 north/south line. And/or adopting a consistent
4 coastwide regulation. You know, one regulation
5 coastwide is simpler, easier to enforce, and what
6 we're seeing is that that seasonal variability in
7 the southern area, where we had the January through
8 April target catch requirement and then the May
9 through December, is -- we're not seeing that
10 seasonal variability in trip size.

11 Now, the line -- we feel maintaining
12 a line is important for various reasons, for equity
13 in one sense, because the southern and northern
14 fisheries happen at different times, or the fish are
15 interacted with at different times. In the south,
16 in the Gulf of Mexico, it's more of a winter and
17 spring fishery, and the rest of the year is when the
18 target catch happen. You know, the incidental catch
19 happens in the northern areas.

20 So, you don't want to not have a line
21 at all because you don't want to have all of the
22 incidental catch used up in one particular area and
23 then wind up with a closure before -- and have
24 fishermen in another area have to discard all the

1 incidentally caught bluefin that they catch.

2 So, it's important to maintain a
3 line, similar to how we have, let's say, in the
4 angling category for northern and southern areas.
5 And where you'd like to have a line in an area where
6 there's little activity, so there isn't -- so where
7 just where there are a lot of vessels fishing right
8 near that line, so -- you know, there's confusion as
9 to what area they're fishing in, what quota their
10 landing might get counted on. You'd rather have
11 that line in an area of little activity.

12 And this is another table showing the
13 same alternatives, but incorporating moving the
14 north/south division line south to 31 degrees, which
15 is I believe off of Georgia -- Jekyll Island,
16 Georgia, I believe -- and modifying the subquotas
17 within the longline category to 30 percent for the
18 north and 70 percent for the south.

19 It basically results in a ten percent
20 increase -- ten metric ton increase in the northern
21 area quota and a ten metric ton decrease in the
22 southern area quota.

23 We picked that line in Georgia
24 because there's very little bluefin landings of --

1 from longline vessels there. We have a couple of
2 fish each year in South Carolina. None in the
3 recent records in Georgia. So, it's kind of a
4 pretty dry area. And also we have closed areas,
5 it's a line in one of our closed areas, so it's an
6 already defined line in our management.

7 And what this table has here are the
8 same alternatives analyzed in the same way, but
9 incorporating landings data, instead of broken out
10 North Carolina north, broken out Georgia north, and
11 then Florida south.

12 And if you see they result in similar
13 result because it's again based on landings that
14 happened already. So, you're not going to change
15 those -- the landings. But for say the 2,000/6,000,
16 alternative, where you have the same target catch
17 requirements in all areas, you still -- you wind up
18 catching the same amount of fish, the 101 metric
19 tons, because again you have a similar target catch
20 requirement in all areas, and you're within your
21 quota in the northern area, within your quota in the
22 southern area. When you start to get to the 1500
23 minimum, you're still exceeding your northern area
24 quota, and for all the other alternatives you're

1 estimated to stay within the -- both the overall
2 longline quota and the subquotas for the north and
3 south.

4 Looking for input from the AP on the
5 types of analysis we've done. Other types of
6 alternatives. These are what we discussed at our
7 meeting last year. They'll be a proposed rule with
8 these analyses and more, coming out shortly, and
9 with the full comment period accompany that, public
10 hearings, etcetera.

11 I imagine there'll be some questions
12 about what I presented, so -- there's a lot and
13 again, I'll be -- I'm willing to answer as many
14 questions as I can. Thanks.

15 MODERATOR CHRISTOPHER ROGERS: Okay.
16 Thanks very much, Pat. Appreciate the efforts you
17 put in on the analyses. For those who are steeped
18 in bluefin tuna, it probably wasn't too much. All
19 the lines that we have in bluefin tuna management
20 and categories and such, for those who are not
21 steeped in bluefin tuna, it might have been a little
22 bit much. But again, we tried to use past data to
23 meet the objectives of not exceeding the quota that
24 has been allocated for incidental catch by

1 longliners, while at the same time minimizing dead
2 discards.

3 So, again, what we need here is any
4 input with respect to the analysis that we have
5 performed, the approach that we took, and any other
6 possible alternatives that we could consider prior
7 to finishing up this proposed rule. Rick Weber.

8 RICK WEBER: Everything matches in
9 the model for estimating the status quo except the
10 negative 41 percent or 42 percent. Doesn't that
11 mean the further estimations might be off by as much
12 as 40 percent, as well?

13 PAT CHEETA: Okay. You're looking at
14 -- say this table here that I have. Right here. At
15 42 percent?

16 RICK WEBER: Yeah.

17 PAT CHEETA: Is that what you're
18 talking about?

19 RICK WEBER: Exactly.

20 PAT CHEETA: One thing that we didn't
21 talk about here that we talked about last year was
22 some compliance issues that we've had in -- with the
23 target catch requirements in the northern area.
24 Basically, the compliance with those target catch

1 requirements has not been -- has not been very good
2 for over half -- maybe even 75 percent of the trips
3 that landed bluefin, they were -- they did not meet
4 the target catch requirements. When we went back --
5 when you go back into a retrospective analysis of
6 the landings data.

7 So, this is -- the estimation is
8 assuming that -- you know, compliance with those
9 regulations. So, you'd expect in the actual
10 landings, because of the level of compliance that
11 we've had, that the actual landings would be higher
12 than what would be estimated under perfect
13 compliance. So, that's how I think of it there,
14 that if we were -- if we had perfect compliance, we
15 would have -- I mean, say in the northern area
16 there, lower landings than 12.1 metric tons.

17 So, that's why you see that decrease
18 from the estimation in the status quo with what we
19 actually saw from 2000. And going forward, you
20 could -- I assume one could say well, maybe you'll
21 have similar low levels of compliance as you go
22 forward. Hopefully with target catch requirements
23 that are -- match what's happening in the fishery, a
24 little more realistic, compliance will improve. So

1 but again, the assumptions that go into these
2 estimates are that we have compliance with the
3 regulations. So, anyway, I hope that answers the
4 question.

5 MODERATOR CHRISTOPHER ROGERS: To
6 clarify that a little bit, it's not that there was
7 blatant disregard for the regulations. The two
8 percent rule was difficult from two aspects. One,
9 you had to estimate the weight of the bluefin tuna
10 at sea, as well as estimate your total catch by the
11 end of the trip at sea. And often these weights are
12 not available till you complete weighout.

13 So, in the majority of those cases
14 that you would consider technically out of
15 compliance, there was no willful disregard for the
16 regulation. It was just a matter of the numbers not
17 working out to the decimal places, which was done in
18 terms of the modeling approach, where we just
19 applied the weights strictly to the two percent.

20 PAT CHEETA: And one added point to
21 that is in the southern area, where we did -- we
22 were not using a percentage, when we went back and
23 looked at what the landings were there, the
24 compliance was well above 90 percent. And then you

1 see here for the southern area that it matches up a
2 little bit better. Again, it's consistent with what
3 you'd think we'd be seeing.

4 RICK WEBER: Does that mean, then,
5 that you're thinking of changing the method of --
6 you know, if the two percent is difficult to comply
7 with, if you don't change it, you can expect the
8 same amount of -- I hate to call it noncompliance,
9 because that implies that they're not trying, they
10 are trying. Failure rate, we'll call it, or
11 something like that. Are you going to do something
12 that addresses that? Is that -- or will the 42
13 percent failure rate continue?

14 I'm just -- if you add that 40
15 percent on when you start becoming more marginal, as
16 you're trying to get -- as you're trying to take
17 advantage of that quota, if you start adding that 40
18 percent error back in, you go over. So, I mean, if
19 you have to address how -- what caused the 42
20 percent, I suppose.

21 MODERATOR CHRISTOPHER ROGERS: Well,
22 again, that's why we analyze several alternatives to
23 the two percent rule using an absolute poundage
24 requirement, because clearly the evidence was that

1 it was easier to comply with, easier to monitor, in
2 the southern area. And if we were to stick with a
3 percentage requirement, clearly we could devote more
4 enforcement resources to the issue. The question is
5 is that a good use of our resources, if we can amend
6 the regulation to facilitate compliance.

7 UNIDENTIFIED: Well, just not really
8 studying on these, but Pat, you did a good job of
9 analyzing the numbers. And it just seems to me if
10 you look at the second page where you moved the line
11 down to 31 degrees, in what I thought we had pretty
12 much talked about last year, in the 3500/6,000 all
13 areas and 1500 in southern area, January through
14 April, you reach the 86.8 percent of I guess the
15 total quota. Is that correct?

16 PAT CHEETA: That's tons. That's
17 86.8 tons.

18 UNIDENTIFIED: Yeah, metric tons,
19 okay. So, it appears to me that that would maybe do
20 away with a lot of our dead discards and give a much
21 easier way for enforcement.

22 UNIDENTIFIED: Yeah, Pat, one of the
23 alternatives was to allow two bluefin per trip that
24 you mentioned in the alternative.

1 PAT CHEETA: Yeah, there's actually
2 several here.

3 UNIDENTIFIED: You can't do that in
4 the Gulf because you're not allowed a directed
5 fishery and we've determined that anything more than
6 one bluefin is a directed fishery, and that's an
7 ICCAT situation. How would you get two south of the
8 line?

9 PAT CHEETA: I'm -- that's not
10 something that I'm aware of. Chris.

11 MODERATOR CHRISTOPHER ROGERS: Well,
12 initially the regulations that set up the incidental
13 catch requirements for the longline fishery did
14 allow multiple fish in the Gulf of Mexico. The
15 determination that was made by the Service in
16 reducing that from two to one was that leaving it at
17 two fish provided an incentive to target, which was
18 contrary to the recommendation. Again, these are
19 tied to landings requirements for other species
20 other than bluefin, to ensure that there is no
21 aberration.

22 One of the earliest hearings I went
23 to in the Gulf of Mexico, when I first signed on
24 with the Division back in '92, there was a lot of

1 talk about having moved from two fish to one fish
2 meant a lot of the boats didn't come into the Gulf
3 of Mexico anymore in that winter swordfish fishery.
4 Clearly, an indication that there was an increased
5 incentive certainly to target swordfish in the
6 winter in the Gulf of Mexico, but also because of
7 the bonus, if you will, of an additional bluefin
8 tuna that was allowed.

9 So, again, it's not inconsistent with
10 the ICCAT requirement that there be no directed
11 fishery. The switch from two fish to one fish, by
12 regulation, many years ago, was to reduce that
13 incentive to target bluefin tuna. And that was
14 prior to actually having a poundage requirement
15 anyway.

16 The poundage requirement then came in
17 after that. So, first it was a shift from two fish
18 to one fish, and then it was one fish only with a
19 certain catch level for other species.

20 UNIDENTIFIED: Well, to that point,
21 it originated as an ICCAT recommendation that there
22 be no targeted fishery for bluefin tuna in their
23 known spawning grounds, which were designated as
24 Gulf and Mediterranean. I don't know what happens

1 to that if we find another spawning ground
2 somewhere, because the two geographic areas were
3 named in the recommendation. But that's a different
4 issue.

5 And so we switched from two fish to
6 one fish. And remember, the Japanese longline
7 fleet, which at that time could operate in the Gulf
8 under the tuna exclusion in the Magnuson Act, was
9 evicted from the Gulf, so to speak, because that was
10 an admittedly directed fishery. I mean, they
11 leapfrogged the longlines following the schools of
12 spawners through the Gulf. And that's what they
13 were after. And it was a pretty clean fishery from
14 that point of view. They caught little else, as I
15 recall, from the data.

16 But anyhow, so we switched from two
17 to one. So now we have a declaration that in order
18 to keep it a nondirected fishery it's not the word
19 incidental involved in this ICCAT thing. It says no
20 directed fishing. So, you better stick with what
21 ICCAT called it, because it's derived from ICCAT.

22 And you heard Glenn's talk on the
23 stick with the 250 head count of marlin, because you
24 don't want to get into the arena of losing

1 credibility at ICCAT. And I would suggest to you
2 that that ought -- that same theory ought to be
3 considered in this situation, if you move from one
4 fish to two fish, just -- it just looks like simply
5 we're doubling our kill of spawners in the Gulf from
6 an ICCAT perspective. And so I for that reason
7 would encourage you to avoid doing that.

8 MODERATOR CHRISTOPHER ROGERS: Well,
9 based on the analyses, it shows that we're not
10 doubling the catch by any means. In fact, what
11 we're effectively doing is converting discards into
12 landed catch and still remaining within the quota.

13 And having a poundage requirement,
14 again, would basically demonstrate that something
15 other than directed activity on bluefin tuna was
16 occurring by evidence of the other species landed on
17 that trip.

18 UNIDENTIFIED: You have a quota in
19 the Gulf?

20 MODERATOR CHRISTOPHER ROGERS:
21 There's a subquota for the southern area for bluefin
22 tuna landed by longline --

23 UNIDENTIFIED: But that includes also
24 the east coast of Florida and up a little ways?

1 MODERATOR CHRISTOPHER ROGERS: East
2 coast of Florida and -- well, actually, up through
3 South Carolina currently in this north/south
4 division line that we have at 34 degrees. What we
5 had looked at was moving that line further south to
6 sort of get away from the level of activity, to try
7 to see if there was a neutral zone, so to speak,
8 between a northern and southern area, so that
9 fishermen wouldn't be having to question where the
10 fishing activity was occurring relative to what
11 quota category was open or what targeting or
12 landings requirements would be in effect.

13 UNIDENTIFIED: These fish are going
14 to be caught, whether they're caught in the Gulf or
15 elsewhere, right?

16 MODERATOR CHRISTOPHER ROGERS: These
17 fish would be caught. Again, we just analyzed the
18 data, demonstrating what people were doing as
19 reporting in logbooks and looking at the observer
20 data. So, this is basically a descriptive model of
21 the fishery as it has occurred in recent years, just
22 trying to play with those target catch requirements
23 so as to meet the tool objectives of reducing dead
24 -- reducing dead discards as is required by not only

1 the ICCAT recommendation itself, but also our
2 Magnuson Act bycatch reduction standard, while still
3 remaining within that quota.

4 So, it was a multi-objective approach
5 and -- you know, basically what we're offering out
6 is the results of our analyses and I understand your
7 concerns. I don't think that allowing two fish,
8 given a target catch requirement, is inconsistent
9 with the ICCAT recommendation. But again, this
10 would be subject to a proposed rule and we would
11 certainly take comment on that issue, and get
12 further consultation on that subject.

13 UNIDENTIFIED: Well, if you're
14 comfortable with two, could we ask for three in the
15 Gulf?

16 MODERATOR CHRISTOPHER ROGERS: Well,
17 the issue with going to three with some target catch
18 requirement is you pretty soon exceed the capacity
19 of many of these vessels, given the -- well,
20 certainly with the two percent rule, there weren't
21 very many trips that could ever take more than three
22 bluefin tuna.

23 UNIDENTIFIED: (Inaudible.)

24 MODERATOR CHRISTOPHER ROGERS: Well,

1 currently there's a 1500 pound. What we're trying
2 to do, again, is achieve a balance. So, the target
3 catch requirements are being adjusted in this
4 analytical framework to reduce dead discards while
5 staying within the quota.

6 So, we're not changing the total
7 quota. One of the alternatives or suite of
8 alternatives that we considered looked at changing
9 that subdivision of the quota by trying to find a
10 neutral zone between the northern and southern
11 fisheries that would be better reflective of
12 reality.

13 We had Shana -- Shana Beemer.

14 SHANA BEEMER: All right. I just
15 wanted to address, first of all, the landings table,
16 the landings estimates. And I would bet that the
17 Gulf of Mexico landings, dead discards, are quite
18 underestimated. At the ICCAT meeting we talked
19 about increased observer coverage in the longline
20 fishery down there to get a better idea of dead
21 discards. These -- hygrading, you know, is going to
22 be a problem when you can only land one, two, three
23 fish, and is probably a problem in the Gulf of
24 Mexico.

1 And to look at the Gulf of Mexico
2 longline fishery on the same level of -- as the east
3 coast longline fishery, these are spawning bluefin
4 in the Gulf of Mexico that have made their eight to
5 ten years to maturity. They have reached their
6 spawning ground, spawning that's critical to our
7 western stock of bluefin.

8 These fish are in warm waters.
9 They're at their physiological limit. You know,
10 they can't survive for long periods on the gear and
11 because the spawning takes place, likely, you know,
12 research now is trying to actually outline the
13 spawning grounds, but likely takes place in a
14 discreet area in the northwestern Gulf at a discreet
15 time, you know, three to four months, and to be able
16 to close that area to longline fishery to -- you
17 know, put the dead discards to zero would really
18 benefit the fish.

19 MODERATOR CHRISTOPHER ROGERS: I
20 certainly agree with that, and this aspect of
21 allowing incidental catch of bluefin tuna to be
22 landed would in no way obviate any other mechanisms
23 we could have to reduce dead discards.

24 Certainly we do have a closed area in

1 June off of the Mid-Atlantic, and if the data showed
2 that there was a discreet area that could be
3 effectively closed in the Gulf of Mexico, we'd
4 certainly pursue that, independent of this other
5 rule that would be in effect.

6 MAUMUS CLAVERIE: There is a discreet
7 area. As I recall that recommendation from ICCAT
8 said no fishing for bluefin at all in the Tortugas
9 area, is that what it is, Glenn? Do you remember
10 that? How that 81 -- that 81 recommendation from
11 ICCAT, as I recall, not only said no directed
12 fishing for bluefins in their spawning grounds, but
13 it -- either the ICCAT recommendation or NMFS, one
14 or the other or both, closed a specific area in the
15 Tortugas to bluefin tuna fishing, period. Do you
16 remember that?

17 GLENN DELANEY: I don't believe it
18 was done by ICCAT.

19 MAUMUS CLAVERIE: And in answer to a
20 discreet area in the Gulf, that kind of moves from
21 year to year. That's why the Japanese fleets had to
22 keep up with the schools so they wouldn't lose them,
23 by leapfrogging. And it depends on where the
24 currents are going, so it's not always in the same

1 place.

2 UNIDENTIFIED: Can I just make a
3 technical point? The 81 recommendation that Mau is
4 talking about has long been superseded by the
5 rebuilding plan. And if somebody can lay their
6 hands on the rebuilding plan, I believe the
7 provision is very straightforward, doesn't talk
8 about how many fish you can keep in the Gulf of
9 Mexico. It just says that it is closed to directed
10 fishing. So, if Brad might have it or somebody. I
11 think I have it up in my room, but I just don't have
12 it here. Maybe Dave has a copy of the rebuilding
13 plan with him?

14 There's 27 provisions in there, and
15 what the ICCAT Secretariat did, when we agreed to
16 the new rebuilding plan, was they streamlined all of
17 the original measures that were there. And I'm
18 quite sure that it doesn't list a number that
19 defines what directed fishing is versus incidental
20 catch. I don't believe that's there anymore. If it
21 ever was. And I believe you it was. I don't
22 believe it's there now.

23 GLENN DELANEY: Only in America could
24 the difference between one and two fish be a

1 directed fishery. I can assure you. ICCAT wouldn't
2 do that.

3 DAVID WILMOT: Boy, Pat, I have to
4 congratulated you on putting together quite an
5 analysis. You did a nice job, laid it out well.
6 What's a little frustrating is that a lot of us
7 actually do believe that when it comes to reducing
8 discards there is another solution, and that's
9 avoidance. It's wonderful to talk about simply
10 changing targeting so that you turn a discard into a
11 landing. And that sure as heck is a way to solve
12 the Magnuson dilemma. But it's not what all of us
13 have in mind when we think about the impacts from
14 bycatch in a mortality sense and what we may
15 actually be gaining in the fishery.

16 And in this case, if you do -- I
17 admit you have to suspend the fairness of what has
18 happened to the longliners, but if one does suspend
19 the fairness, it's amazing to see how much effort
20 you all have put into finding a way to fill a
21 bycatch quota. I wonder what the overage on a
22 bycatch quota is going to be called, if we ever get
23 to that point. That's going to be really curious.

24 It's an incidental quota that's

1 designed for a fishery that cannot target the fish.
2 But boy, we have to make sure we fill it to the top.
3 But then I can't wait to see what we call the
4 overage in that fishery.

5 Shana really I think hit it on the
6 head. I don't care about the one fish, two fish,
7 debating it. It's all -- it's kind of crazy to
8 spend this much time and effort, I think, on this
9 level of detail.

10 Could we look in the Gulf of Mexico
11 for a discreet area -- and Mau, I have to disagree,
12 the science does not have the answer to this
13 question yet. You may believe it's there, but it's
14 not. But the data are indicating there may indeed
15 be a discreet area. Of course it potentially could
16 move. We'll find out the answers to that with time.

17 But the idea here, as Shana pointed
18 out, if we could find an area and have a time and
19 area closure, possibly part of the year, possibly
20 longer, possibly a very discreet area, possibly
21 larger, that would reduce the mortality on fish that
22 we know are ours.

23 We can debate about an awful lot of
24 fish in the Atlantic Ocean, but I don't think too

1 many people here want to debate a 500 pound fish in
2 the Gulf of Mexico in May, whether or not it's a
3 western spawner or not. I would hope we're not at
4 that point.

5 So, could we please consider the
6 possibility of reducing mortality on western
7 spawners in the Gulf of Mexico as a way to reduce
8 our bycatch? There is real potential here. Change
9 the landing requirements. That's going to be a
10 different debate. I think that -- let's not do
11 these separately. At least keep this potential
12 open. The closure in the Gulf -- or along the Mid-
13 Atlantic has proven effective. Let's look at an
14 area in the Gulf of Mexico as the data present
15 themselves. They're not there yet. I recognize that.

16 UNIDENTIFIED: Dave, you mentioned
17 something I was going to -- in response I was going
18 to mention that. When we implemented the FMP, we
19 did implement that time area closure in the Mid-
20 Atlantic and it has so far seemed to be pretty
21 effective, and you can see that in a lot of places.
22 At the time we didn't just look off the east coast.

23 We looked at the data for the Gulf of
24 Mexico as well. And when we did that, there was

1 nothing that jumped out from the data. That's not
2 saying that that hasn't changed since. That was
3 done in '98 or '99. And perhaps some of what we're
4 seeing here in these increases in discards from the
5 logbook tallies is telling us we need to look at it
6 again. But it was done. And -- it was done.

7 And another point is that -- that was
8 made is that these fish are particularly vulnerable
9 and delicate, perhaps, at this time of year in the
10 Gulf. And you know, they're being thrown over --
11 even more likely that they're going to be thrown
12 over dead. So, and it's all part of this balance
13 that we're trying to achieve.

14 We've looked and we've closed an area
15 where we've seen high catches of bluefin, and now
16 we're moving on to kind of the next phase. We're
17 saying okay, we maybe haven't done all we can, but
18 we've done something to avoid, and now what's caught
19 after that, let's see if we can throw less of them
20 back dead and keep some more. Not that the pursuit
21 of finding areas to avoid interaction is over. But
22 that -- again, this is trying to explain some of our
23 thinking. That's all.

24 DAVID WILMOT: If I can follow up

1 quickly, I realize that was done, and it's tough for
2 me because we do ask others to hold themselves to a
3 high standard with the data and information they
4 present. And a lot of what I'm relying on in this
5 case, it is anecdotal. But I think that everyone
6 here would admit they have seen or heard about much
7 higher catches of bluefin tuna in the Gulf of
8 Mexico, much higher, order of magnitude higher than
9 what is reported. If that is the case, that's all
10 the more incentive to do the research to determine
11 if a potential closed area would be beneficial.

12 That's it. But I hate to raise that
13 because, again, I don't have the data to hold up.
14 It's purely anecdotal. But even without that, it's
15 a good idea to look more in the Gulf of Mexico.

16 MODERATOR CHRISTOPHER ROGERS: To
17 that point, I believe Barbara Walk was sailing
18 yesterday to put out some more archival tags in an
19 area in the Gulf of Mexico, and Bill Hogarth was
20 instrumental in providing some recent funding
21 through our cooperative research program to help
22 with the vessel cost on that.

23 We do have several more folks who
24 wanted to speak on this issue. Let me just go down

1 the list. We had Wayne Lee; Jim Donofrio; Glenn
2 Delaney; Glen Hopkins and Rich Ruais.

3 WAYNE LEE: Thank you, Mr. Chairman.
4 Just a couple of quick comments. One, I think what
5 we heard last year -- at least what I heard last
6 year on the enforcement thing, was that north of
7 Virginia/North Carolina, the two percent rule was
8 not being enforced. And I think enforcement
9 admitted that. I don't think that was in question.

10 South of that line, it was being
11 enforced, and that caused a serious problem for our
12 boats. I mean, not to comply, but just in the fact
13 they were having to discard fish.

14 But that notwithstanding, I want to
15 thank you and Pat for putting this issue on the
16 agenda today. I want to thank you for this
17 analysis, and we look forward to have this come out
18 so our fishermen can comment on it. And you
19 certainly covered the issues that I felt were in the
20 summary of the meeting from last year. So, thank
21 you.

22 JAMES DONOFRIO: Thank you, Mr.
23 Chairman. I want to ask Pat, is the continuation of
24 the Mid-Atlantic Bight part of the proposed rule or

1 does that just go on without any new ruling?

2 PAT CHEETA: Yeah, that's permanent
3 in our regulations. So, this -- what's being
4 addressed here would not affect any other
5 regulations. So, that would be maintained in June.

6 JAMES DONOFRIO: Okay. Just I heard
7 some talk at the ICCAT Advisory Meeting about these
8 fish moving into different areas. And are you
9 looking at that, so that that area may be -- if it
10 is closed and it's not doing the right thing, the
11 fish are somewhere else where you may need to -- I
12 mean, is the flexibility there in the rule?

13 MODERATOR CHRISTOPHER ROGERS: That
14 would be the same as with any of the closed areas
15 we're currently implemented, to analyze their
16 effectiveness at the objective of reducing dead
17 discards, reducing turtle interactions, billfish
18 interactions, what have you. So, they can be
19 changed. Of course, they would be changed through a
20 rulemaking process. We'd have to do the analytical
21 background work and then propose it.

22 GLENN DELANEY: Thank you. I can't
23 remember all the things I was going to ask. But I
24 guess I just wanted to make it clear or confirm my

1 understanding, Pat, and again I also congratulate
2 you for this extraordinary analysis, which David, is
3 only necessary because of the ridiculous microscopic
4 focus that your constituency and others have placed
5 on the longline industry and therefore the Agency
6 has no choice but to do ridiculous analyses in order
7 to do what otherwise would have been common sense.

8 MODERATOR CHRISTOPHER ROGERS: Let's
9 just try to keep on point. We don't need --

10 GLENN DELANEY: Hey, it started down
11 there, my friend.

12 MODERATOR CHRISTOPHER ROGERS: You
13 can end it on this. Let's talk to the issue of
14 getting some feedback on the analyses performed.

15 GLENN DELANEY: And the second thing
16 that I wanted to mention was that my understanding
17 is there is no increase in mortality. There's
18 always that rhetoric that gets slipped in between
19 the facts that may give people a false impression in
20 the room. And I just heard that. So, I want to
21 make sure it's clear that there's nothing in this
22 change that I understand would increase the
23 mortality of bluefin tuna. It would simply convert
24 waste to use -- dead discards to landed fish within

1 our dead discard allocation at ICCAT. Correct?

2 MODERATOR CHRISTOPHER ROGERS: In
3 fact, there's another nuance, just to illustrate
4 once again the complexity of bluefin tuna, the fact
5 that unused quota that would have been available for
6 landings were not discarded does tend to get
7 transferred to other categories on a year to year
8 basis.

9 GLENN DELANEY: I wanted to go that
10 point next, which was what's the consequence of
11 overharvesting our dead discard quota at ICCAT. And
12 David, I think, raised that question. What are we
13 going to call it? Well, what we call it is that it
14 will be deducted from the directed fisheries,
15 whether it's in the general category or the purse
16 seine category or the angling category, that's where
17 that's going to come out of. Because the United
18 States is not going to exceed its overall quota of
19 bluefin tuna.

20 So, the consequence of us forcing
21 fishermen to throw fish overboard dead will be to --
22 and to exceed that limit that we've established at
23 ICCAT, will be to take the excess out of the
24 directed fisheries. So, that's one consequence of

1 it.

2 The other thing I wanted to mention
3 is Mau -- and there was a lot of discussion about
4 the southeast and off the coast of Florida and the
5 southern zone, unless I missed something, there is
6 no longlining down there anymore, and so I don't
7 think you're going to see a lot of bluefin tuna
8 landings on the east coast of Florida.

9 Finally, I would say that Chris, your
10 mentioning of analyzing the effectiveness of primary
11 closures, whether it's the bluefin tuna one off the
12 coast of New Jersey or in the Mid-Atlantic Bight, or
13 the others, the Florida closure, the Gulf closure,
14 the one off South Carolina -- I always forget the
15 name -- Charleston bump, thank you. It's just one
16 of those things I went through and I can't remember
17 it.

18 But my understanding was that the
19 goal of time area closures is at least two things,
20 one of course to reduce the interactions with a
21 bycatch species. Bluefin tuna in the longline
22 fishery, small swordfish down in the south, billfish
23 as well. But another goal is also -- I'll be -- not
24 to unreasonably reduce the ability of the fishery to

1 catch the targeted species, unnecessarily reduce
2 their ability to catch the target species. And
3 that's the balance that you're trying to strike in
4 time area closures.

5 UNIDENTIFIED: (Inaudible.)

6 GLENN DELANEY: Exactly. Right. But
7 the goal is also to not unnecessarily reduce -- you
8 know, excessively. You know, you're trying to find
9 a comfortable balance of achieving as much
10 conservation for the bycatch species without, you
11 know, completely wiping out a fishery. Obviously
12 there has to be a balance there.

13 And you said that you analyze that.
14 I was curious is there a regular review of these
15 time area closures in view of these two balanced
16 goals? I mean, when is that going to happen and how
17 do you we go about that?

18 MODERATOR CHRISTOPHER ROGERS: Well,
19 we had analyzed information in the FMP development.
20 In fact, had a Florida straits closed area proposed.
21 A lot of comment we received during the comment
22 period on the FMP and its implementing proposed rule
23 was that it was not comprehensive enough.

24 There were other bycatch issues that

1 had not been addressed and if you recall, we
2 withdrew that closed area proposal and agreed that
3 the agency would pursue a course of a more
4 comprehensive treatment, which resulted in the
5 larger context rulemaking, which we ended up with
6 the live bait prohibition in the Gulf of Mexico, the
7 Florida east coast closed area, the Charleston bump
8 closed area. We had implemented the Mid-Atlantic or
9 northeast closed area in June in that FMP.

10 But clearly our intent is to
11 continually monitor the effectiveness of these
12 closed areas with respect to the multi-objective
13 approach, was reducing the various bycatch
14 interactions as well as the effect on targeting
15 catch and try to achieve a better balance. If that
16 means redefining the boundaries of closed areas or
17 moving one entirely, you know, that's certainly
18 something on the table.

19 We don't have a full year's data
20 available yet from 2001. Basically, February 1st or
21 March 1st, because of the delay of implementing the
22 closed areas. But we will hopefully have a robust
23 analysis similar to what we've presented here on
24 this one issue at next year's AP meeting, on the

1 effectiveness of closed areas to date. It certainly
2 can be revisited.

3 Again, whether they're completely
4 effective, completely ineffective, or can be made
5 more effective through redefining the boundaries.
6 Okay. We had Glen Hopkins.

7 GLEN HOPKINS: Yes, I just had a --
8 how many incidental permits are there out now at any
9 one point?

10 PAT CHEETA: It's listed in the SAFE
11 report. I think there's about 250 vessels that have
12 the incidental longline permit.

13 GLEN HOPKINS: Okay. I was just --
14 as far as alternatives, just wondering if there was
15 any way of just issuing tags for the number of
16 permit holders versus the estimated number of fish
17 it would take, just a thought.

18 And then I was also looking at moving
19 the line to 31, that would include North Carolina in
20 that northern section, and under any of these new
21 criteria, and I feel like probably the north's not
22 going to have a fair shot if the season opens
23 January 1st, if you keep the same seasons. Then
24 there's going to be a lot of fish landed in the

1 north before they have a chance at it.

2 PAT CHEETA: Our fishing year for
3 tunas starts on June 1, so that's when we start with
4 the fresh slate. And North Carolina, most of it at
5 least, was already included in part of the northern
6 area. So, what you're basically doing is adding the
7 rest -- you know, another little part of North
8 Carolina and then South Carolina and Georgia to the
9 northern area, and trying to compensate that --
10 lowering -- you know, increasing that area with
11 raising the quota there a little bit, or
12 redistributing the quota.

13 So, in June when the season starts,
14 the incidental catches in the Gulf are for the most
15 part over, and the next group of incidentally caught
16 fish will probably be in that northern area. So,
17 North Carolina would -- and those other states north
18 would -- I don't know if you want to call it first
19 shot at that quota. So, there really wouldn't be
20 the potential for it being filled before North
21 Carolina or other states in the north had a chance
22 to land incidentally caught fish.

23 RICHARD RUAIS: I'll be quick. I,
24 too, wanted to take issue with Dave Wilmot's

1 comments. I think the objective of this analysis
2 was to reduce discards. The issue of mortality is
3 on the TAC quota question, and that's where we'll
4 fight that battle over time. And we ought to stop
5 wasting time trying to raise the goalpost wherever
6 we can and not get on with the matter of achieving
7 the objective of where we're trying to go with this.

8 And I think -- it's obvious we've
9 been working on this one for a long time. And these
10 reductions in the discards to me appear to be very
11 significant, and I hope the environmental community,
12 as well as the recreational community, appreciates
13 that we can meet a lot of the mandate from the
14 Magnuson Act by moving forward with one of these
15 alternatives.

16 You're looking at 18 percent, 25
17 percent or 30 percent reduction in discards. I
18 think you did a great job on the analysis, Pat, and
19 hope we can just move on.

20 UNIDENTIFIED: Yeah, I too, would
21 like to congratulate you guys. You, you know, put
22 some very interesting options. I look forward to
23 the proposed rule.

24 And you've certainly listened to us.

1 We said we just want to kiss the quota. We want to
2 take those discards into landed fish, and it's a
3 real step forward to me in fisheries management,
4 away from the environmental extremism that for the
5 last few years has resulted in bluefin tuna being
6 killed twice.

7 GAIL JOHNSON: Pat, thank you for the
8 presentation. It was pretty scary, but you got
9 through it, and I even understood it. So, thank
10 you. What Dave said, the Gulf of Mexico is one
11 area. I'm a provincial person. I'm from Maine. I
12 don't understand a whole lot about the Gulf of
13 Mexico, so I can't talk about about what people have
14 heard or not heard.

15 But from my perspective, which is up
16 in the Gulf of Maine on the Grand Banks, on Georges
17 Bank, where we have -- the enforcement issue at one
18 time with a letter from Joel MacDonald, the
19 enforcement issue was one fish. Just because of the
20 problems with the percentages. The law was two
21 percent, but how it was enforced was one fish,
22 because it was such a pain in the neck to get all
23 the weights together. That ended. It's now two
24 percent and is very firmly enforced.

1 Just as a perspective for -- so you
2 understand what the deal is with the 24 meter
3 longline boats, if we go out and early on we catch a
4 bluefin, that's -- as Chris had said, you don't know
5 what you're going to catch the rest of, but you
6 don't want to throw that bluefin away. You want to
7 put it down in the hold and make it nice and cozy
8 and tidy and bled and everything you can do to keep
9 it good. And if you don't get enough fish to cover
10 the size of that -- because remember we're talking
11 about two percent, not one fish, so everything -- if
12 this bluefin was one of the high priced wonderful
13 ones that are 700 pounds or something, you've got to
14 catch a lot of fish.

15 In the meantime, you're putting
16 swordfish and other tunas aboard and that bluefin is
17 buried. So, what to do here? Either you try to
18 dump it surreptitiously over the side as your not
19 quite enough other fish are unloaded, or you face
20 enforcement problems with this one bluefin. This is
21 not the norm, I'm telling you, this is occasionally
22 what happens though.

23 So, please, I think that moving in
24 the north at least -- I don't know about the Gulf of

1 Mexico, but in the north, having a finite number of
2 fish according to how many pounds is a whole lot
3 easier to deal with. And please do that. Let us
4 have landings and get out from under the evil banner
5 of dead discards.

6 PETER WEISS: Yeah, I was just
7 wondering if -- I'm talking about the Gulf, I guess,
8 and if the average fish there -- are we talking
9 about spawning fish that are eight to ten years old,
10 which are relatively large, I would imagine, over 4
11 or 500 pounds or 600 pounds, and I guess if we can
12 put men on the moon and we can put tags on fish and
13 find out where they are, how come we can't develop
14 some sort of a breakaway gear? Because I'm sure the
15 targeted fish are not 5 or 600 pounds.

16 I mean, you know, we're talking about
17 closing areas and doing everything, and once in a
18 while we talk about breakaway gear, but it seems
19 that's a perfect area for it, if we actually want to
20 stop the discards. I mean, why is there nothing
21 being done or is there something that we don't know
22 about?

23 MODERATOR CHRISTOPHER ROGERS: It's
24 again an enforcement question, as to whether the

1 breakaway gear, if mandated, would actually be used
2 at sea. And also it's a little bit tough with
3 respect to defining it via regulation. What is the
4 standard for breakaway gear?

5 Certainly under regulations we can't
6 sort of mandate a particular product type by a
7 particular manufacturer. What we would need to do
8 is make specifications. And then it's difficult for
9 enforcement purposes to analyze whether or not those
10 specifications are met. Would you allow other gear
11 on board the vessel or would it be only gear -- I
12 guess we'd be talking about breaking test strengths
13 for the monofilament on the gangeon (phonetic) or
14 something like that.

15 So, again, it's a concept that may
16 have merit, but it's difficult in implementation.
17 If we could demonstrate something that would be
18 effective, certainly if industry is willing to
19 participate, we do have some cooperative research
20 money and there's actually a meeting occurring in
21 the Gulf in Tampa this month, and that might be
22 something that we could test with a little bit of
23 money as to whether effective breakaway gear could
24 be developed.

1 So, it's not that we've ruled it out.
2 It's something that would be difficult in
3 implementation. Mau Claverie.

4 MAUMUS CLAVERIE: (Inaudible) one is
5 in response to Peter. It wasn't moon shot rocket
6 scientists. It was a fisherman. I think his name
7 was Bally or something. He was a longliner in the
8 Gulf. He won the award one year for tagging the
9 most marlin. You remember that, Alan? I think --
10 what's his name?

11 UNIDENTIFIED: Wade Bailey.

12 MAUMUS CLAVERIE: Bailey. And he
13 called me up before one of these meetings or an
14 ICCAT meeting and he says look, this stuff about
15 bluefin tuna, he says, I've been trying it, and you
16 use a mustad (phonetic) something or the other
17 number hook, I had it in my book, I wrote it down, I
18 said the number into the record in one of these
19 meetings. And you put extra flotation on your line,
20 more buoys, bigger buoys, whatever it is.

21 And if you get a big bluefin tuna, it
22 breaks a hook and the tuna's gone. But when you're
23 dealing with the yellowfins, the smaller fish, like
24 Peter's alluding to, you don't lose them on these

1 hooks.

2 So, there's your answer. Okay? But
3 that was only about 20 years ago that you were told
4 that, okay? So, you haven't gone to the moon on
5 that one, yet. But he thought that that -- he had
6 tried himself and said it works, so I don't know if
7 any research was done on it or what.

8 The other thing is if you are going
9 to consider a discreet closed area in the Gulf, the
10 Japanese longline fleet operated in the Gulf -- God,
11 from the early or mid '60s through '80 or '81. And
12 they kept very good information.

13 The reported information to ICCAT may
14 be in larger areas, but the suspicion is that the
15 longline boats kept pretty good where they caught
16 the fish locations in their own private logs, the
17 ones that went back to the companies or something.
18 And they reported to ICCAT I think in mods in
19 quarter squares, which is a big area.

20 But if you're going to do the
21 research, please see what you can dig up from there,
22 because the Japanese followed those fish for over 20
23 years through the Gulf, and they know whether or not
24 what we have done, if we do this, is right or wrong.

1 So, we ought to be very careful to be sure we milk
2 them for all the information we could get on that so
3 they won't surprise us later.

4 UNIDENTIFIED: Just one comment on my
5 comment that these landings -- dead discard
6 estimates are underestimated. My observer question
7 from before I asked Vicky during the lunch break was
8 about observer coverage in the longline fishery in
9 the Gulf of Mexico, and she had said that it was --
10 you know, low to none because the boats didn't
11 satisfy those safety requirements.

12 So, I mean, it is an enforcement
13 issue that if the observer program was stepped up,
14 you know, we could get better data. But right now,
15 you know, there isn't anything validating this data.
16 The logbook data.

17 UNIDENTIFIED: Thank you, Mr.
18 Chairman. In the past we have supported the
19 longline industry as far as trying to increase their
20 take of these dead bluefin based on the amount of
21 other tunas and tuna-like species on board, knowing
22 that it's wasteful. But just have a question, maybe
23 Nelson can answer. Shana brought up about
24 hygrading, and I was wondering, Nelson, are most of

1 these fish dead? Because if you're hygrading dead
2 fish, it doesn't matter anyway. But I mean, is
3 there any kind of percentages that you know about or
4 you're aware about? So, I know they don't have a
5 swim bladder and -- I mean, do they just -- do they
6 die there? Are they dead? Or have anything on
7 that?

8 NELSON BEIDEMAN: I think pat would
9 probably be more familiar than -- I forget the
10 percentage. I think it's around 50 percent.

11 PAT CHEETA: I think it's between 40
12 and 50 percent of -- are dead.

13 UNIDENTIFIED: In the north. Not in
14 the Gulf of Mexico is it that --

15 PAT CHEETA: Well, again --

16 UNIDENTIFIED: There's no way.

17 PAT CHEETA: I might be -- the
18 numbers I have might be overall. So, that's all I
19 have.

20 UNIDENTIFIED: Then it's that low
21 mortality would be as low as 50 percent.

22 PAT CHEETA: That might be the
23 average coastwide. But that --

24 MODERATOR CHRISTOPHER ROGERS: We

1 will make sure that the figure is clearly stated in
2 the Environmental Assessment with any proposed rule
3 that gets issued on this subject.

4 We did have a number of other bluefin
5 tuna issues to discuss. I had put on this draft
6 agenda stock assessment, and I certainly didn't
7 intend that we do a bluefin tuna stock assessment at
8 this meeting. That was really just a point of
9 information for those who were not -- again, not
10 completely engulfed in all the ICCAT issues, the
11 information being that there is a bluefin tuna
12 assessment at ICCAT this year, supposed to be for
13 both east and western stocks, and given the SCRS
14 Report on mixing from last summer and the U.S.
15 endeavors at ICCAT to maintain the integrity of that
16 report and its recommendations, the SCRS will be
17 looking at alternative paradigms, so to speak, with
18 respect to the Central Atlantic area as well as the
19 correct -- borderline or defining line between the
20 eastern and western stocks.

21 So, there's a lot to look forward to
22 in terms of upcoming stock assessment. I'm really
23 hopeful that an eastern assessment can be done this
24 time around. Last time there was a lack of data.

1 And I'm confident that some good work will be done,
2 at least on the western stock, and hopefully some
3 advances will be made with respect to the stock
4 boundary issues. So, I don't really see the need
5 for any further discussion on that. If so, we can
6 maybe come back to it later.

7 We had some notes here on season
8 dates, effort controls and catch limits. That was
9 really with respect to both the general category
10 fishery and the angling category fishery that does
11 have some intense management, not only via
12 regulation but what we call in-season actions that
13 occur each year in terms of defining catch limits,
14 defining the seasons, defining effort controls and
15 things like that. We will do a proposed
16 specifications notice that would include the
17 restricted fishing days, the monthly quota
18 apportionment and things like that, as we do each
19 year. We will also be putting out notices with
20 respect to setting the angling category season and
21 catch limits.

22 I just might note that I think that
23 Jim Donofrio might present some information to us
24 with respect to what they call the ad hoc tuna

1 committee. It is not really an established subpanel
2 of this panel, but it is a group of recreational
3 fishing interests who have gotten together over the
4 years to provide some input to the agency on what
5 they would like to see, so to speak, with respect to
6 management of the angling category fishery.

7 So, Jim, if you would at some point
8 in this discussion, please update us on your
9 concerns from that ad hoc tuna committee.

10 I also know that East Coast Tuna has
11 an interest in the season dates, given some of the
12 recent changes in the bluefin tuna fishery. The
13 season date for start of the purse seine fishery
14 that had been established at August 15th in the
15 past, primarily because of gear conflict issues, and
16 yet the fishery has become less of an early season
17 fishery and more of a late season fishery than in
18 past years. So, he wanted to revisit that.

19 As a prelude to this discussion, Pat
20 had sort of prepared a highlights of last year as to
21 what happened, what was caught in each category, and
22 we'll try to get through that real quickly. For
23 those that are familiar, I'm sure you can keep up.
24 For those that are not as familiar with all these

1 categories and such, please bear with us, but we do
2 have a lot to cover and I'm sure a lot of
3 discussion. So, Pat, try to take us through that
4 real quick.

5 PAT CHEETA: Yes, this should be
6 faster than the last one. It's a little simpler and
7 there's not as many slides. There's another handout
8 that was on the back table early this afternoon.
9 Just going to go through some of the highlights of
10 last year and what could be happening for this
11 coming 2002 season.

12 Okay. This slide just shows the
13 quota allocation percentages that we have in the
14 FMP. The allocations are set by percentage, not by
15 metric tons. So, as the overall U.S. quota were to
16 go up or down, the actual metric tons allocated to
17 each category would go up or down, as well, while
18 the percentage stayed the same. This shows the full
19 allocation to all the various categories for bluefin
20 tuna, and several of them may have subquotas, north
21 and south, and some of them are also further divided
22 by size class.

23 We have -- just going through some of
24 the quota adjustment provisions that we have in the

1 regulations, for any kind of overharvest we subtract
2 the -- what was taken in excess of the quota from
3 that individual quota category for the following
4 year. So, if say the general category was to go
5 over 50 tons, 50 tons would come out of their
6 following year's landing quota.

7 We allocate quota from the reserve to
8 account for -- or overharvest in any fishing
9 category, if necessary, if available, if the reserve
10 hasn't been otherwise used. And we also have a dead
11 discard allowance of 68 metric tons for the U.S. and
12 if that's exceeded, the amount of the excess is
13 subtracted from the subsequent year's landings
14 quota.

15 For in the case of when a quota is
16 not taken, we will take that amount that is not
17 taken by the category and roll it over to the
18 following year for that same category. So, in the
19 instance for the general category, if they were 50
20 tons under that quota, that 50 tons would get added
21 to their quota for the following year.

22 If the dead discard allowance has not
23 been reached, NMFS may add one half of the remainder
24 of that amount of bluefin tuna and that could be

1 landed in the subsequent fishing year. So, for an
2 example, if 20 metric tons of the dead discard quota
3 was not taken, 10 of that could be taken and added
4 to the overall landings quota for the next year.
5 The other half would not be used, and it goes back
6 to the resource. And that amount can be allocated
7 to individual fishing categories or to the reserve,
8 an amount that's carried over.

9 Here's a table that shows the 2001
10 bluefin quotas, estimated landings and projected
11 2002 quotas for the various categories. We go
12 through angling, all the way down through reserve.
13 And the angling shows the various size classes from
14 schoolfish, where we have eight percent maximum, and
15 that's eight percent of the overall U.S. quota.
16 It's large schools and small mediums. And then
17 large mediums and giants. And then the other
18 categories.

19 First column A shows the base quotas
20 for the 1387 metric ton U.S. quota. Column B shows
21 the adjusted 2001 fishing year quotas, after -- and
22 that's after transfers. So, the angling category,
23 because of several years where the angling category
24 quota was not landed, had a lot of quota rolled from

1 year to year into it for -- especially for 2001.

2 And the general category had a large amount of quota
3 transferred to it from the angling category, and
4 also from the longline category. The same with the
5 harpoon, had some 35 tons added to it during the
6 year.

7 Purse seine quota was a little bit
8 less than its base quota because a couple vessels
9 went up a few tons over, and in the purse seine
10 category, which is an individual vessel quota
11 system, if an individual vessel exceeds its quota,
12 it's -- that individual vessel is penalized, or not
13 penalized, but that amount is taken away from its
14 quota for the next year. So, they're individually
15 responsible for their quotas. Longline category,
16 after transfers, wound up at about 93 tons, then we
17 have the trap and the reserve.

18 Current fishing year landings in
19 Column C show the angling category at about 283
20 metric tons and -- these are again all preliminary
21 numbers, and these include numbers from the large
22 pelagic survey, as well as figures -- landings
23 reported through the programs -- tagging programs
24 that we have in Maryland and North Carolina.

1 The general category wound up going
2 over its quota by about 13 tons. Harpoon did not
3 land all of its quota. The purse seiners did not
4 land all their quota. They did not land any fish
5 after September 11th, and it's mostly one vessel's
6 quota that did not get taken.

7 Longline is still ongoing, so --
8 because of the spring fish that are caught in the
9 spring in the Gulf of Mexico, and then no landings
10 incidental in any kind of traps. And the reserve, a
11 few fish have been taken for scientific purposes in
12 the reserve, and we will probably have a few more of
13 those taken likely in -- research being done in the
14 Gulf of Mexico.

15 So, with the remaining quota left in
16 the various categories, in Column E we can have an
17 idea of what the various categories are going to
18 look like for 2002, and that's Column F, just adding
19 -- taking the base quota and adding or subtracting
20 what's remaining from Column E. And you see that
21 angling category has potentially quite a bit to
22 carry over. General category is slightly over, and
23 the other categories are -- look like they will be
24 what would be under.

1 So, again, these are based on
2 preliminary landings estimates because for the
3 angling category and longline category we're still
4 in this -- we're still in the 2001 fishing year. It
5 doesn't end until May 31st. So, these fisheries are
6 still landing -- still ongoing.

7 As I mentioned, going through that
8 table, there were 253 metric tons transferred to the
9 general, and we wound up landing 933. It was a very
10 slow season for much of the year and we wound up
11 going from the base limit of one fish per day
12 retention to a two fish per day retention limit, for
13 much of the year. And we have restricted fishing
14 days that we have implemented over the last -- maybe
15 since '95, to slow the fishery down, to distribute
16 it during the year, and this year we waived all of
17 those ones that we put in, except for a few in
18 August for a Japanese market holiday. And then
19 general category closed on the 23rd. We reopened it
20 in November and then it closed for the season on
21 November 30th.

22 Angling category, we had a four fish
23 per vessel limit from June 15th through October
24 31st. We also established an alternative limit for

1 head boats, which was in place from August 15th
2 through the end of October, which was one fish per
3 person, with a 20 fish per vessel maximum, and this
4 was for Coast Guard inspected vessels that have an
5 Atlantic HMS charter head boat permit. And we
6 recently looked at some of the landings reported by
7 these vessels, reported, some of them have vessel
8 trip reports through the Northeast Regional Office,
9 and several -- about ten vessels participated in
10 this alternative limit for head boats. About 40
11 trips landed more than the four fish per vessel
12 limit in the late summer and fall.

13 And in the angling category, we've
14 had a one fish per vessel limit since November 1st,
15 and that's the main recreational fishery that's
16 going on during this time since November has been in
17 North Carolina. And the trophy category for the
18 recreational fishery has been open all year, and
19 that's a one giant bluefin per vessel per year.

20 Harpoon category had some quota
21 transferred to it, did not land its quota. Purse
22 seine category, as I mentioned, opens the 15th of
23 August, no landings after 9/11. And the longline
24 landings are so far similar to the previous year,

1 but we're moving into the time of year when the
2 landings increase in the Gulf of Mexico.

3 A couple -- the next few charts here
4 show -- try to show a couple things. The columns on
5 the left for each state -- this is showing bluefin
6 landings in the general category by landing port and
7 by the vessel's home port. So, let's take an
8 example of Massachusetts.

9 Over 750 metric tons in the general
10 category were landed in Massachusetts. But over --
11 slightly over 500 metric tons were landed by vessels
12 from Massachusetts, meaning that they had their home
13 port listed as being from Massachusetts.

14 So, let's look -- we look at New
15 York, we see that very little bluefin in the general
16 category were landed in New York, but that almost
17 100 metric tons were landed by vessels from New
18 York, which basically means that vessels that are
19 home ported in New York travel to other places and
20 landed fish, mostly in Massachusetts, here, as we
21 can see, as we could deduce.

22 So, vessels from New York and New
23 Jersey traveled to other places and landed fish
24 there. So, this shows landings by landing port and

1 by the vessels themselves that landed them. And
2 this is for the overall general category season.

3 The next one shows just June through
4 October, very similar pattern, except the one
5 difference is you don't see many landings for North
6 Carolina, because they really haven't -- the fish
7 show up there later on in the fall. And what you
8 can see here is that -- again, similar pattern, a
9 lot of fish landed in Massachusetts and some vessels
10 from other states were landing fish in
11 Massachusetts, as well.

12 Now, for the time of year when
13 bluefin are in North Carolina, we see that they are
14 not really landed many other places. This is
15 November and December, this past year, had about 40
16 metric tons landed in North Carolina, mostly by
17 vessels from North Carolina. Some vessels from
18 South Carolina and Virginia, and a few from -- by
19 the New Yorkers that seemed to like to travel. So,
20 that's all I have for this presentation. I'll take
21 some questions and move on.

22 MODERATOR CHRISTOPHER ROGERS: Just
23 to prevent us from jumping all around all the myriad
24 issues that come into play here, I guess what I

1 would propose is we'll take it by category, so to
2 speak, and discuss angling category issues, general
3 category issues and purse seine category issues
4 separately.

5 I don't know that I stated the right
6 order, given some of the frowns on people's faces,
7 but does that seem like an appropriate approach as
8 opposed to jumping back and forth between general
9 and angling and purse seine, harpoon and those kinds
10 of things?

11 So, should we take a vote that we
12 spoke of yesterday, which category should go first?
13 Purse seine first, because that might go the
14 quickest and then --

15 UNIDENTIFIED: Actually, from my
16 perspective, if you'll hear my point of view on the
17 issue, it makes more sense to go with the general
18 category and talk about what our issues are with the
19 general category and then that sort of sets the
20 stage for talking about the purse seine category, as
21 well, which I can put off until after the angling
22 category discussion, if you want to go general,
23 angling and purse seine. But I really would prefer
24 to talk about general first.

1 MODERATOR CHRISTOPHER ROGERS: All
2 right. Well, we've got a half an hour before our
3 dinner break and we did schedule an evening session,
4 not only for -- well, primarily for the public to
5 speak on bluefin tuna management issues and for the
6 AP to listen to any members of the public.

7 So, depending on how many members of
8 the public wish to speak during that evening public
9 comment session, we could continue the AP
10 discussion, as well. You think we can dispense with
11 the angling category in one half hour? Okay. Well
12 then we'll go with the angling category for now. On
13 the chopping block. We have Joe McBride and Jim
14 Donofrio.

15 JOSEPH MCBRIDE: Very basically and
16 not to be longwinded about this, historically --
17 we're looking at the landings, if my math is good
18 and -- you know, I still take my shoes off to count
19 to 20, we have a projection of about 410 metric tons
20 in the angling category for the year 2000. Is that
21 correct, Pat? Give or take?

22 Historically, just for a little
23 background here, we started off or I started off 30
24 some odd years ago and we had four fish per angler

1 in the angling category for sale. A couple of years
2 later, because of pressures, we went to four fish --
3 two fish per angler with sale, two fish with no
4 sale, one fish with no sale, one fish per boat no
5 sale, and no fish per boat no sale, and now thanks
6 to you gentlemen coming back up and thanks to
7 organizations like the RFA politicizing our point of
8 view and the needs of the economy of the
9 sportfishing industry in this country, we're back to
10 four fish per boat most of the season.

11 The only thing there is I would
12 respectfully request that if the quota for the
13 angling category has -- if there is enough quota in
14 the angling category, either at the beginning
15 through or at the end of the season, that you would
16 increase the bag limit to one fish per angler, as
17 was traditional. It would be a big help to our
18 industry in late September through October,
19 certainly in the northeast.

20 And I'm not speaking just for Montauk
21 now. I'm speaking for Connecticut, Rhode Island and
22 Montauk ports, and the Block Island Sound area. And
23 if you could do that without putting too much
24 pressure on the resource, we'd be very appreciative.

1 I think it's fair and equitable for our industry.
2 We've certainly taken the brunt of the fishery over
3 the years, historically, since the days of plenty,
4 and I think it's time for a little payback for our
5 conservation. Thank you.

6 MODERATOR CHRISTOPHER ROGERS: Jim
7 Donofrio.

8 JAMES DONOFRIO: Thank you, Mr.
9 Chairman. I want to thank you for your hard work
10 over the last few years working with our ad hoc tuna
11 committee, and that was the result of our industry
12 -- our recreational fishing industry looking for
13 consistency in regulations, with a diversified group
14 from New England to North Carolina. As you know, in
15 the beginning, everybody had their own idea of what
16 the fishery should be or shouldn't be, based on that
17 small piece of pie we get from ICCAT.

18 And what we've been able to
19 accomplish since I think 1997, having meetings with
20 groups from Ocean City, Montauk, right on down to
21 North Carolina, but meeting with a diversified
22 group, Coastal Conservation Association, the RFA
23 members, charter boat operators, marine operators,
24 tackle store owners, we were looking for a

1 predictable season that we could do our ads in our
2 magazines and buy our butterfish, order our Penn
3 reels, etcetera, and know that we have a consistent
4 season.

5 I think you've done a great job and
6 your whole team, Pat and Mark Murray Brown and
7 everybody have been very great working with us on
8 this. And we're very pleased.

9 And the idea was to form a consensus,
10 and I know that what I'm going to say right now
11 isn't consistent with what Joe would like to go to,
12 six fish, but based on, you know, our talking to the
13 group and consensus, we felt that the four fish bag
14 limit was sufficient, because going up and down
15 would present again another inconsistency. And we
16 found that -- myself, even being in the charter boat
17 business for over 20 years, that when you keep
18 changing the rules for the customers, the bag
19 limits, you tend to lose business rather than have a
20 consistent bag limit which works over the years for
21 you.

22 We saw that when the striped bass
23 fishery collapsed, when there was hardly any fish
24 around, we couldn't get people to go fishing

1 anymore. Now they're getting used to the lower bag
2 limits again and it was like the ten fish bag limit
3 on bluefish. We thought it was going to be the
4 worst thing. And it ended up to be -- actually
5 ended up working for us, in our favor. But it's
6 consistent. And that's what we're looking for.

7 But we've accomplished some things
8 here, and of course one of the things we're allowed
9 to have the party boats, the inspected vessels, to
10 get back into the fishery. And because of the fluke
11 regulations the way they were last year, that tuna
12 fishery did bail out a portion of our industry,
13 which was great, and they're very thankful, and I
14 want to let you know that they have said that to me.
15 They're very grateful that they were able to go
16 offshore and go tuna fishing at a time when they
17 were shut down for their summer flounder. So, that
18 worked.

19 There was also I guess the start of
20 the season, we've been able to accomplish that, a
21 start of the season date that worked out with the
22 watch preeg (phonetic) fishery. It was consistent
23 with the Ocean City tournament in the watch preeg
24 fishery. And a close of the season date. And of

1 course one of the things we discussed with you and
2 your team was that we know there may be some
3 underages and in the past these fish have been
4 converted into sailfish for the general category.

5 What we decided this year, what we'd
6 like to do, and we don't mind helping our friends in
7 general category, if it's left over after all the
8 angling opportunities are used up. And what we
9 would like to do is to make sure -- and again,
10 reiterate what we said to you in our consensus,
11 Chris, is that any leftover quota after that October
12 31st date would be given to North Carolina anglers
13 and let them enjoy whatever angling underages are
14 there, so we can use it up within the ICCAT
15 framework. Thank you.

16 UNIDENTIFIED: Angling category, yes.
17 Nice job, Jim. Great presentation. It looks to us
18 right now, if you look at the catches from last
19 year, that in the school category you caught 63.2,
20 and the total quota of that size range, Pat, for
21 last year was what? The 108, was it, in the school
22 category? The school category size range, 66 and
23 under?

24 PAT CHEETA: Okay. I mean, after

1 adjustments, --

2 UNIDENTIFIED: There's 84 tons left.

3 PAT CHEETA: Right, so it was 147.

4 UNIDENTIFIED: So, what Jimmy is
5 pressing for right now, a continuation of the four
6 fish, if the fishery is repeated last year, you're
7 not likely to have a problem with that catch rate
8 and -- unless there's an awful lot of development in
9 the fishery and your view that it attracts and
10 encourages and enhances the recreational fishery,
11 then you may have an issue.

12 But so I guess clearly we wouldn't
13 have any issue with that for the coming season. But
14 I remind you that if you're right and the fishery
15 continues to develop, eventually you're going to
16 bump up against that problem of the eight percent.
17 We now have some flexibility, NMFS has flexibility,
18 you have a four-year period to balance your quotas
19 over time. So, you've got some flexibility there.
20 But you still obviously need to address, as we
21 discussed at the species working group, the eight
22 percent. And we maintain the offer to work with you
23 on that in order to better structure the size
24 distribution quota-wise of the total U.S. quota to

1 reflect the needs of the angling category in the
2 school size fishery, and right now what appears to
3 be the lack of any real significant catch of the
4 large school small medium, where you're not
5 restricted and where all the overages seem to have
6 come from.

7 So, that longwinded statement, I
8 wanted to remind everybody that even though in the
9 short term we may not have an issue, in the long
10 term you're going to be bumping up your quota if the
11 fishery develops.

12 MODERATOR CHRISTOPHER ROGERS: First,
13 are there any other folks who wanted to speak on
14 angling? Mau Claverie and Nelson and then Rom
15 Whitaker and then Jim. Hold the thought, Jim,
16 please.

17 MAUMUS CLAVERIE: Okay. Just a plea
18 that if you're going to give the fish left over at
19 the end of the angling year to up north, save some
20 giants for the Gulf, because the giant -- the
21 recreational fishery in the Gulf for the tunas --
22 for the bluefins usually ends up only with giants,
23 and it's accidental when you're trolling for marlin
24 or yellowfin or whatever. And they -- the actual

1 fish season starts near the end of the NMFS season
2 and goes through until the beginning of the new
3 season, and a couple of months thereafter. So, it
4 would be nice to have some of those left. No
5 specific numbers, just an accidental thing.

6 MODERATOR CHRISTOPHER ROGERS: Well,
7 again, that trophy category is split north and
8 south. So, we do use geographic line to try to play
9 out some of these differing fishing seasons, based
10 on the migratory pattern of the bluefin. Nelson
11 Beideman.

12 NELSON BEIDEMAN: Yeah, I don't very
13 often speak up on angling issues, but there was a
14 little bit of confusion about Bluewater's position
15 at the last Commission meeting. So, I did want to
16 speak up today.

17 First off, the way we look at it is
18 each category should maximize its economic potential
19 as long as it's staying within its allocated quota.
20 As long as it's complying with the ICCAT regime,
21 then you know, whether it's six fish, ten fish, you
22 know, I think it matters more and you guys the
23 effective fishermen know more of how to maximize the
24 economic benefit than what I certainly would.

1 I do think that building up an
2 underage could be a potential problem, but I think
3 Jim's suggestion would resolve that. And we do have
4 a rebuilding bluefin tuna stock. And 15 percent by
5 country is not outrageous. That's what all the
6 other ICCAT nations have had. And we've had to
7 tighten up our belt and be held to a higher standard
8 for -- you know, God knows what reasons, but that's
9 what the other countries have is 15 percent by
10 country. I would not involve Japan and Canada. I
11 would not look at a percentage by stock. But you
12 know, we do have a recovering fishery and it is
13 about time that -- you know, some of the
14 conservation efforts are rewarded.

15 ROM WHITAKER: Yes, two comments in
16 regards to the angling. Jim and Bob Pride and I
17 know Joe, several people sitting here were very
18 instrumental in coming up with the ad hoc tuna
19 committee recommendations. And I certainly think
20 that as a time saving good way for you all to get
21 feelings on what -- we were able to get together on
22 something finally.

23 But there were two discrepancies
24 there and they just have come to mind now. I think

1 -- and they've very minor, but I think they need to
2 be brought up. And I think I mentioned to Jim that
3 we wanted our seasons to start November 15th. That
4 would mean you'd have a 15-day closure and I think
5 that would be much easier to start November 1st, and
6 then everything would be consistent, provided that
7 NMFS didn't have to close the angling category down
8 for whatever reasons.

9 The second thing was we do have a few
10 head boats in our area, and I think they should be
11 given the same privilege as in head boats in the
12 northeast, and that's one fish per person, or a
13 maximum of 20, because they do participate in this
14 fishery and they need to have the same opportunities
15 as boats up and down our east coast. Thank you.

16 MODERATOR CHRISTOPHER ROGERS: Well,
17 there was no discrimination, so to speak, with
18 respect to the head boats. The regulation was
19 written at the time for head boats that carried the
20 HMS charter head boat permit and were inspected
21 vessels. You know, certainly we dropped the catch
22 limit down to one per vessel after -- for all
23 vessels after November 1st, recognizing the average
24 size of fish that tend to be caught during that

1 winter fishery in North Carolina is much greater
2 than the school bluefin fishery in the summer.

3 So, again, the intent of that
4 inspected vessel adjustment was primarily for a
5 school bluefin fishery. If you think that a
6 different limit might be applicable for head boats
7 in that North Carolina winter fishery, we're
8 certainly open to further discussion on that. But
9 again, the concern would be 20 fish of a small
10 medium size is a heck of a lot of fish on a
11 particular trip. So, it might not be exactly
12 comparable to what we had set up in the north.

13 ROM WHITAKER: Yeah, I think it could
14 be worked out to a much smaller number, but I think
15 they should still be given opportunity to more than
16 one fish. You know, if they have 20 people, maybe
17 three fish or four fish, something like that.

18 UNIDENTIFIED: Thank you, Mr.
19 Chairman. I wanted to make a point to Rich. Rich,
20 we do have the support of our recreational
21 commissioner, Bob Hayes, to pursue the 15 percent --
22 not on the western Atlantic quota, 15 percent just
23 of the U.S. quota, and hopefully going with the
24 intent to get more quota for U.S. fishermen all

1 over, all across the board. And we would support
2 doing that. I think we need to eke out a few more
3 hundred metric tons from the ICCAT process for our
4 fishermen here. Thank you.

5 UNIDENTIFIED: Just Mau made me think
6 about the possibility, and I guess I had never
7 thought about it before, but you do have the
8 authority to transfer angling category fish into the
9 trophy category, as well, to take into account his
10 request for something in the Gulf. The trouble is
11 that you'll have to keep in mind is if you want that
12 angling category permit, even in the trophy
13 category, you give up the right to fish in the
14 charter boat category or the general category, if
15 I'm not mistaken.

16 MODERATOR CHRISTOPHER ROGERS: The
17 regulations with respect to permit categories are
18 such that the charter boat -- vessels permitted in
19 the charter or head boat category are eligible to
20 sell fish, the whatever, yellowfin, respect to
21 Atlantic tunas there are other things that come into
22 play for sharks and swordfish with the limited
23 access program.

24 But with respect to tunas, vessels in

1 the charter and head boat category are permitted to
2 sell fish to a licensed dealer. The specific rules
3 for bluefin tuna are, however, that if you're
4 participating in the recreational fishery as well as
5 the commercial fishery for bluefin tuna, you can't
6 do it on the same trip. So, you need to define what
7 you're in on that particular day's trip.

8 The way the regulations read is the
9 first fish that is retained that day, it's size
10 class determines whether you're in a recreational
11 trip that day or a commercial trip. Certainly the
12 trophy category was not established for sale. And
13 there would be no sale of fish from a charter head
14 boat category taken in the Gulf of Mexico in any
15 event, because that is closed to a directed fishery.
16 It is incidental catch only for a trophy situation
17 for recreational fishing activity. So, I hope
18 that's -- as Dick Stone used to say -- clear as mud.

19 UNIDENTIFIED: Yeah. But do I
20 understand that to mean that a charter boat head
21 boat category could land trophy bluefin after the
22 general category season is closed?

23 MODERATOR CHRISTOPHER ROGERS: That's
24 correct. They could not be sold, because they're

1 trophy category fish.

2 UNIDENTIFIED: I understand that
3 part.

4 MODERATOR CHRISTOPHER ROGERS: Nobody
5 likes to sell their trophies. They like to keep
6 them. Okay. Wayne Lee.

7 WAYNE LEE: Thank you, Mr. Chairman.
8 I just wanted to acknowledge what Rom said and echo
9 thanks to Jim Donofrio and Bob Pride for working
10 with our group. I would point out that Rom and some
11 of our other charter boats have had customers that
12 point up north and say they get four fish and why do
13 we only get one. But I think the decision was made
14 by the charter boat fleet to hold the line on that
15 at this point in time, and again, we appreciate you
16 all working with that support our recreational
17 fishermen there. So, thank you very much, Jim.

18 UNIDENTIFIED: Thank you. I just
19 wanted to say that I would be more than pleased to
20 work in my commissioner role with the angling and
21 general category representatives, Jim and Rich and
22 others, on the eight percent rule. Underage is a
23 problem. The consequence of underage on a
24 consistent sustained basis is potential to lose the

1 quota altogether to nations that do not possess the
2 same conservation regime or ability to monitor and
3 control their fisheries that we do. And so
4 consequence of us not catching our quota is a
5 negative conservation consequence.

6 I am also certainly committed to
7 pursue an increase in the western bluefin TAC, but
8 of course only to the extent justified by the stock
9 assessment. And to the extent it will not undermine
10 the current bluefin tuna rebuilding plan that we
11 worked so hard to get -- four years ago? You know,
12 but I am optimistic, however, that that will be the
13 case, that there will be an opportunity.

14 As Rich had explained earlier, two
15 years ago I think we did face an opportunity
16 justified by the science for a small increase. I
17 think the scientific arguments prevailed in that
18 direction, but perhaps for other reasons the United
19 States chose not to pursue that this year. We'll
20 have to take another look at it and see what we can
21 do. But I certainly am committed to try.

22 And the last thing I wanted to say
23 was to my good friend Maumus, you know, I love you,
24 Maumus. When you go trophying -- I heard you say

1 you want to make sure some of those giants get down
2 to the Gulf of Mexico so you can catch them. Right?

3 UNIDENTIFIED: (Inaudible.)

4 UNIDENTIFIED: And the ones you catch
5 on rod and reel, they don't spawn in the Gulf of
6 Mexico. They're a different kind of bluefin or --

7 UNIDENTIFIED: (Inaudible.)

8 UNIDENTIFIED: After just listening
9 to this whole discussion about the Gulf of Mexico --
10 right by me. Never resist an opportunity.

11 So, like when you go fishing for a
12 trophy bluefin, are you trying to do that or you
13 just happen to catch one?

14 UNIDENTIFIED: You're usually fishing
15 for blue marlin.

16 UNIDENTIFIED: Okay. So, that
17 wouldn't be a directed fishery.

18 UNIDENTIFIED: No, if you went
19 fishing for bluefin recreationally in the Gulf,
20 you'd waste a lot of fuel and be mighty frustrated.

21 UNIDENTIFIED: Thank you. I'd like
22 to thank the agency for the charter and head boat
23 category. And just out of curiosity, I'm sure it
24 was done out of respect for our industry per se, but

1 how many boats are in that category? How many in
2 the general category and how many in the angling
3 category? Of the permits issued. Do you have those
4 numbers roughly, Pat? I don't care. Chris or --

5 PAT CHEETA: Overall?

6 UNIDENTIFIED: No. Each category.
7 We have a general category, an angling category and
8 a charter and head boat category.

9 PAT CHEETA: It's in the SAFE Report
10 and from what I --

11 UNIDENTIFIED: The breakdown is in
12 there, too?

13 PAT CHEETA: Absolutely, yeah.
14 There's about 7,000 boats in the general category,
15 and this is coastwide from Maine to Texas. About
16 close to 3,000 boats in the charter head boat
17 category. And I think somewhere around 14,000 boats
18 in the angling category.

19 UNIDENTIFIED: All permitted under
20 the --

21 PAT CHEETA: Right.

22 UNIDENTIFIED: -- the USA --

23 PAT CHEETA: And this is Maine
24 through Texas.

1 UNIDENTIFIED: Okay. That's good.
2 Because that's probably more charter and head boats
3 that are generally categorized up and down the coast
4 when you do other types of survey. That's great.
5 That's good news and I'm glad to see they were all
6 permitted.

7 The second thing, to reiterate -- I
8 want to thank -- the philosophy that Nelson put
9 forth there. The reason I was asking for six fish.
10 If those -- if the shoe fits, so to speak, to use up
11 our quota. I don't want our quota given to some
12 other group, we don't get some other group's quota.
13 I don't care if it goes to four fish per boat, if we
14 can do six fish a boat, that was historical, to some
15 extent, it would improve our business. Because the
16 underage can be created.

17 If the business -- let's say in the
18 case of the charter boats and head boats, if you
19 don't have enough fish for the people to go on your
20 boat, you're going to have an underage. The people
21 won't go out and utilize the resource because it
22 doesn't pay for them to do that. So, you know, it's
23 a balance and we're playing guessing games and --
24 but if there is an overage -- an underage rather, as

1 the season goes along, I have no objection to the
2 head boats getting more. If we could get a little
3 more at the southern winter fishery can get some and
4 sportfishing and the angling category.

5 All of those things, I'm sure you
6 have more expertise in adjusting them. It's just we
7 don't want to give away our quota to some other user
8 group. I mean, I don't think that's particularly
9 right, nor is it the right way to -- as Nelson
10 pointed out, to utilize the resource within our own
11 nation. So, that's -- economically or otherwise.
12 So, thank you again.

13 MODERATOR CHRISTOPHER ROGERS: Bob
14 Pride.

15 ROBERT PRIDE: Chris, we've had some
16 conversations over the years about the precipitous
17 decline in the effort for bluefin tuna
18 recreationally. And perhaps it's time for us to
19 haul out the numbers and look at it -- not today,
20 believe me, but time to haul out the numbers and
21 look at what the rules were in place and what the
22 catches were, and see if we haven't probably gone
23 too far in the right direction, and see if we can
24 look to the future for a better balance.

1 MODERATOR CHRISTOPHER ROGERS:

2 Thanks, yeah. That certainly is an issue that as
3 the bag limits became more and more restrictive,
4 there was less effort focused on the fishery, and
5 there's probably some lag in terms of expanding
6 effort in response to greater catch limits and that
7 we don't want to overshoot the target, so to speak.
8 As somebody said earlier today, we just want to kiss
9 that quota; right? In all categories.

10 It's 5:24 now. I propose that we
11 break for dinner and then we'll come back at 7
12 o'clock at this very same room and we'll continue
13 the discussions of various categories as well as get
14 some public input on the outstanding bluefin tuna
15 issues. So, enjoy another evening in Silver Spring
16 and we'll see you back promptly at 7 o'clock.

17 [RECESS - DINNER]

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

I, PAUL T. WALLACE, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of the audiographic tape taken in the above entitled matter to the best of my knowledge, skill and ability.

In witness whereof, I have set my hand and Notary Seal this 8th, day of July, 2002.

PAUL T. WALLACE. Notary Public
My Commission Expires
October 3, 2008

THIS FOREGOING CERTIFICATION OF
THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION
OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT
CONTROL AND/OR DIRECTION OF THE CERTIFYING REPORTER.